

1 Friday, 16 March 2018
2 (10.00 am)
3 MR COLIN PERKINS (continued)
4 THE CHAIR: Good morning, everyone. And good morning,
5 Ms Scolding.
6 Cross-examination by MS SCOLDING
7 MS SCOLDING: Good morning, chair and panel. We were just
8 about to deal, when we left last night, with Mr Perkins,
9 with his views upon the report that Lord Carlile of
10 Berriew completed about the case of Carol. If I put it
11 that way.
12 We have a very detailed supplementary statement from
13 you. We understand that you are critical of some
14 aspects of the report, not all, and the process that led
15 to it.
16 So you had a meeting regarding the George Bell case
17 on 22 June 2016. The minutes of that, chair and panel,
18 are behind tab B52 of your bundle, and ACE026298,
19 please, Paul.
20 I just want to ask you, why was it necessary to hold
21 this meeting?
22 **A. My understanding, the meeting wasn't called by me, but**
23 **my understanding that the meeting was called because**
24 **there was substantial, and I think increasingly**
25 **substantial, criticism of the actions of the church in**

Page 1

1 **this case. So my understanding is that it was called to**
2 **respond to those concerns.**
3 Q. You set out the reasons at paragraph 10 of your witness
4 statement, and you also identify the relevant points
5 which you wish to draw the panel's attention to, but
6 unless you want to, I wasn't suggesting that we went
7 through them.
8 As a result of that meeting, I understand that it
9 was decided to commission the review of Lord Carlile,
10 which you wanted to identify that, in effect, you felt
11 that you, as part of the core group -- or certainly you
12 on behalf of the core group -- wanted to start with
13 a survivor focus. Is that true?
14 **A. I think that was the decision of the whole meeting. It**
15 **was something that -- the meeting actually started with**
16 **Gemma Wordsworth, the IDSV from my team who had been**
17 **supporting Carol throughout, and William Nye who chaired**
18 **the meeting actually turned to Gemma first, which**
19 **I think was a reflection of where everyone in the**
20 **meeting was at, which is we wanted to hear that**
21 **perspective first.**
22 Q. There were then some terms of reference distributed
23 in September 2016 that you identify at paragraph 12 of
24 your witness statement, and you say you wish to simply
25 draw the inquiry's attention to the following: that

Page 2

1 survivors are listened to and taken seriously and are
2 supported and that good practice is identified and
3 disseminated; is that right?
4 **A. Yes.**
5 Q. And that you wanted to be clear that that one aspect of
6 the intended -- that you consider that that was an
7 important aspect of the intended review; is that right?
8 **A. Yes.**
9 Q. You express, firstly, some concerns within your witness
10 statement about discussions between Ms Wordsworth, as
11 she then was, and Lord Carlile, and you set those out at
12 paragraphs 16 to 18 of your witness statement, and over
13 into, in fact, paragraph 20, some concerns that you had
14 about the context of the email correspondence. Perhaps
15 you'd like to identify, what were your concerns about
16 that process?
17 **A. The email chain started on 30 March 2017 with Gemma**
18 **actually emailing Lord Carlile to make initial contact,**
19 **actually, and to start talking about contact between**
20 **Lord Carlile and Carol. Neither Gemma nor anyone else**
21 **had heard from Lord Carlile about a meeting between him**
22 **and Carol, and by that point -- so Gemma wanted to start**
23 **that contact, but she'd had conversations with Carol who**
24 **had expressed some reservations about meeting**
25 **Lord Carlile, not directed at Lord Carlile, but simply**

Page 3

1 **reservations about going through this process of talking**
2 **about things again. So Gemma's email noted those**
3 **reservations, and offered a written account from Carol,**
4 **which was Carol's offer, in place of a face-to-face**
5 **meeting.**
6 Q. However, you felt that Lord Carlile's -- the tone of
7 Lord Carlile's comment, which is I think Ms Wordsworth
8 emailed and said, "Look, we know there was some
9 discussion to try and seek Carol's cooperation on the
10 review. However, it wasn't -- firstly, that was on the
11 express understanding that it wouldn't involve a second
12 judgment on her evidence, and, secondly, it was, if she
13 wanted to --
14 **A. Very much.**
15 Q. -- not because she had to. I think the concern that
16 you're expressing is that Lord Carlile's emailing back
17 identified that she may be vulnerable to criticism if
18 she didn't meet him. Is that correct?
19 **A. Exactly. Lord Carlile's response to Gemma was,**
20 **essentially -- I haven't got the email in front of me,**
21 **but it was essentially -- well, he said, "I regard it as**
22 **essential that I meet, and I would have to record her**
23 **refusal, which could lead to criticism of her". That's**
24 **not a verbatim, but that's -- the word "refusal", the**
25 **word "criticism", the word "essential", that was all in**

Page 4

<p>1 the reply.</p> <p>2 Q. Just for the reference, it's ACE026293, as I understand</p> <p>3 it:</p> <p>4 "I would like to meet and of course I would be very</p> <p>5 happy for her to have anybody present ...</p> <p>6 "...</p> <p>7 "However, I regard a meeting as essential. If she</p> <p>8 were not to agree to a meeting, I would have to record</p> <p>9 the refusal and that would be likely to cause criticism</p> <p>10 of her."</p> <p>11 So that's what he said. Yours and Gemma's reaction</p> <p>12 to that was what?</p> <p>13 A. Mine and Gemma's and -- perhaps I shouldn't give -- my</p> <p>14 understanding of colleagues' reaction as well, we were</p> <p>15 very surprised, but certainly, in terms of my evidence,</p> <p>16 I was very surprised by the tone of that last sentence.</p> <p>17 As I say in my statement, the meeting nine months</p> <p>18 previously, the chair of the meeting had said, "If she</p> <p>19 decides not to participate, that would be respected".</p> <p>20 That was where we were in June 2016. Gemma had been</p> <p>21 asked to seek her participation on the understanding,</p> <p>22 first, that she could withdraw at any time; secondly, as</p> <p>23 you said, it wasn't a review of her evidence. So I was</p> <p>24 very surprised and really quite concerned by the tone of</p> <p>25 that last sentence.</p> <p style="text-align: center;">Page 5</p>	<p>1 I don't really think I need to take you through that</p> <p>2 because it is a very, very detailed and extensive</p> <p>3 document. Suffice it to say, you had a large number of</p> <p>4 concerns about some of the -- not so much the factual</p> <p>5 material, but the interpretation of the factual</p> <p>6 material. Is that right?</p> <p>7 A. It was a joint document prepared by sort of three key</p> <p>8 people within Chichester, but, yes, there were a number</p> <p>9 of concerns.</p> <p>10 Q. So who contributed to it other than yourself?</p> <p>11 A. Gabrielle Higgins who is the current diocesan secretary,</p> <p>12 Matthew Chinery, the diocesan registrar, and myself.</p> <p>13 That's my understanding of the three. There may have</p> <p>14 been some other contributions, but I think the three --</p> <p>15 well, I'm sure the three of us were the key people.</p> <p>16 Q. Your most significant concern about the basis upon which</p> <p>17 Lord Carlile drew his conclusions is, as I understand it</p> <p>18 from paragraph 21 of your witness statement, that,</p> <p>19 firstly, there wasn't any engagement, so to speak. So</p> <p>20 there wasn't the sort of fact and emphasis corrections</p> <p>21 process; is that right?</p> <p>22 A. To be fair to Lord Carlile, there were two meetings with</p> <p>23 core group members. I think there was -- there may be</p> <p>24 three meetings, but never with the whole core group. It</p> <p>25 was, essentially, three dates were offered. But in</p> <p style="text-align: center;">Page 7</p>
<p>1 Q. You say at paragraph 20 of your witness statement:</p> <p>2 "Our concerns were eventually allayed, but I wish to</p> <p>3 draw the inquiry's attention to just how close we came</p> <p>4 to the point where Gemma, whose role was to act in the</p> <p>5 interests of the person she was supporting, would have</p> <p>6 been advising Carol to withdraw her participation. This</p> <p>7 was entirely because of our concerns that Lord Carlile</p> <p>8 would seek to examine Carol's evidence rather than just</p> <p>9 whether the church's processes and structures in</p> <p>10 responding to that evidence were sufficient and could be</p> <p>11 improved."</p> <p>12 That's right, isn't it?</p> <p>13 A. It is. And just towards the end of paragraph 18, I also</p> <p>14 point out something else that Lord Carlile says in that</p> <p>15 email. Carol had offered through Gemma a written</p> <p>16 account. Lord Carlile said, "I already have her written</p> <p>17 account. I've got her police statement" and so on and</p> <p>18 so forth. Of course, that didn't talk about her</p> <p>19 experience of coming forward to the church after 2013.</p> <p>20 So, for me, that suggested that what he was expecting to</p> <p>21 her from her was her allegation, not her experience</p> <p>22 post 2013.</p> <p>23 Q. I understand that a first draft of the review was sent</p> <p>24 to you and you made a number of extensive comments upon</p> <p>25 it, which are behind tab B54, ACE026295.</p> <p style="text-align: center;">Page 6</p>	<p>1 terms of the process after the first draft, I was very</p> <p>2 concerned that a lot of what we'd raised wasn't</p> <p>3 addressed, and my understanding from professional</p> <p>4 colleagues who do this kind of review work is that --</p> <p>5 Q. Sort of serious case reviews?</p> <p>6 A. Serious case reviews, those kind of things, is that</p> <p>7 a fact and emphasis check is certainly not an unusual</p> <p>8 expectation.</p> <p>9 Q. I think your major concern appears to be that</p> <p>10 Lord Carlile reached conclusions purely from the minutes</p> <p>11 and didn't explore with the core group members whether</p> <p>12 his assumptions based on the minutes were in fact</p> <p>13 correct and, in fact, you say, maintained them even when</p> <p>14 refuted by core group participants within the context of</p> <p>15 the meetings; is that right?</p> <p>16 A. Yes. For instance, I go on in my statement later, his</p> <p>17 suggestion that --</p> <p>18 Q. Maybe let's go through --</p> <p>19 A. Perhaps we can go --</p> <p>20 Q. What seems to me to be sensible is, let's go through the</p> <p>21 particular critiques you have of particular points that</p> <p>22 you consider were erroneous conclusions from the</p> <p>23 material and the information. There were two main</p> <p>24 conclusions that Lord Carlile reached. Firstly, that</p> <p>25 the investigation into the claim was inadequate and,</p> <p style="text-align: center;">Page 8</p>

<p>1 secondly, that there should never have been a public 2 apology, that any settlement of this claim should have 3 been without publicity rather than with attendant 4 publicity. 5 You identify at paragraph 24 of your witness 6 statement -- you acknowledge that there were aspects of 7 the investigation that were inadequate and you sought to 8 provide a brief explanation of why, something which you 9 comment upon below, but you want to make two points 10 about corroboration in the context of the conclusions 11 that Lord Carlile reaches? 12 A. Yes. 13 Q. Could you identify those, please? 14 A. My two points are simply this: there have been a lot of 15 calls for corroborative proof or evidence with regards 16 to Carol's claim. By far, the majority of genuine 17 claims of historic or non-recent child sexual abuse will 18 be provided without any corroborative evidence. 19 Corroborative evidence in this case is going to be 20 almost impossible to provide. The account was about the 21 late 1940s/early 1950s, and I have often wondered what 22 corroborative evidence would the people calling for it 23 expect from the 1940s and 1950s. Verbal evidence -- or 24 a verbal account is evidence and I think in this case 25 it's probably the only evidence we would realistically</p> <p style="text-align: center;">Page 9</p>	<p>1 difficult arguments about -- 2 A. I can understand those. 3 Q. -- what you do in those cases. 4 A. Yes, I can understand those. 5 Q. And there are, I think, genuinely differences of view -- 6 A. Yes. 7 Q. -- as to whether or not the fact that somebody is dead 8 means that really that is the end of the process? 9 A. Yes. 10 Q. Secondly, that his character was unimpeachable. 11 Therefore, in a way, it was, I think -- some of 12 the critique really is that greater weight should have 13 been given to his unimpeachable character when the 14 assessment process that the core group undertook was 15 identified. What do you want to say about that? 16 A. If I could take those points -- perhaps there are 17 a number of points in that question. 18 Q. I'm so sorry. 19 A. No, not at all. In terms of the point about Carol was 20 a lone witness, my understanding of the research into 21 this is that most victims of sexual crime will be a lone 22 witness. I draw attention to the John Jay Report, as it 23 is called, into the abuse in the Catholic Church. 24 Q. If I can just pause there and say the John Jay Report 25 will, firstly, be familiar to the panel and, secondly,</p> <p style="text-align: center;">Page 11</p>
<p>1 be able to expect. 2 I was aware, for instance, of the evidence given by 3 Dr Macfarlane on Tuesday afternoon, where she very 4 strongly said, "I was the only person in the car. I was 5 the only person in the field". I really do wonder what 6 kind of evidence beyond Carol's own claim we could have 7 realistically expected. That was, to my mind, almost 8 always what we were going to be assessing. 9 Q. That's the case for the vast majority. It will -- 10 A. The vast majority. 11 Q. For the vast majority, in fact, of sexual crime, whether 12 against children or adults, it is one person's work; in 13 this day and age, backed up sometimes by DNA evidence, 14 but it is nearly almost one person's word against 15 another? 16 A. Absolutely. 17 Q. The second concern you identified which you say related 18 to the critique that you have made is that Lord Carlile 19 criticises you for relying -- not just Lord Carlile. 20 Other individuals have criticised you for relying upon 21 a single complainant? 22 A. Yes. 23 Q. Ie, how could Carol be believed over George Bell, who, 24 firstly, was dead, and so was unable to defend 25 himself -- well, I think there is -- there are some very</p> <p style="text-align: center;">Page 10</p>	<p>1 is set out within the rapid evidence assessment we 2 published at the end of November. 3 A. They found a total of just under 4,400 priests in the US 4 Catholic Church had had allegations made against them 5 from 1950 to 2002. 55 per cent of those, it was a sole 6 complainant. So a sole complainant is a typical 7 scenario. My argument is, a sole complainant with no 8 evidence other than their verbal account is the 9 mainstream scenario. The Gordon Rideout case, the 10 Terence Banks case with multiple victims, with accounts 11 that cross-reference, that's actually unusual. The 12 typical account is a sole complainant who can offer 13 nothing but their own account. 14 If we are to disbelieve that person, then we are to 15 disbelieve the typical complainant. 16 Q. You say at paragraph 27 of your witness statement: 17 "If the church is to be advised to ignore those 18 allegations for lack of proof or corroboration, that 19 would, to my mind, be a very sad outcome. All the 20 indications we have would suggest that the simplest 21 explanation for why someone comes forward to report 22 abuse, because they were abused, is likely to be the 23 correct one." 24 A. Again, I refer to the points that Dr Macfarlane made on 25 Tuesday afternoon: the available research shows that</p> <p style="text-align: center;">Page 12</p>

<p>1 it's a very small percentage of these allegations are 2 false, and she made some suggestions which I think are 3 extremely valuable with regards to how these matters 4 should be dealt with. 5 Q. I think you say: 6 "I fully understand why any litigation has to be 7 conducted on the basis of agreed rules of evidence, but 8 whether matters such as apology, redress and most of all 9 compassionate response can be limited to what can be 10 objectively proved to whatever standard is difficult 11 and, as such, a requirement would seem to run aground on 12 the nature of the problem." 13 A. The problem is hidden. The problem is -- as you said 14 earlier, what you are often dealing with in these cases 15 is one person's account, with no corroborative evidence. 16 I think if we are to say, "Well, on a strict legal 17 basis, that can't be proved. Therefore, we are not 18 going to respond compassionately or we are not going to 19 offer support", as some have said, "and we are not going 20 to offer the opportunity of apology and redress", that 21 is where the church was 15 years ago. I understand the 22 difficulties you mentioned. I do really understand the 23 difficulties with this. The inquiry have asked me to 24 comment on certain aspects of Lord Carlile's report. 25 But he does use the word "overreach" as, perhaps, his</p> <p style="text-align: center;">Page 13</p>	<p>1 Lord Carlile in July of last year, which has also been 2 given as evidence to the inquiry. 3 Q. Yes. 4 A. I think it's a very, very difficult one, but we have 5 made a decision to apologise to Carol. As I said, I can 6 only really give my own evidence on this, but in my 7 view, you can't apologise to someone whilst avoiding any 8 suggestion that you believe them. I think what we were 9 trying to do -- I understand that some of the lawyers in 10 the room may -- but from my point of view, you can't 11 apologise to someone whilst avoiding any suggestion that 12 you believe them. 13 I think what we were trying to do was to carry that 14 decision to believe through to its logical conclusions. 15 George Bell, as many people have said, is greatly 16 admired, widely admired, and rightly so, but that 17 created a situation where he was admired in public but 18 Carol held in her hand the letter of apology, and that 19 to my mind created a very serious discrepancy between 20 what we continued, what the church continued to say 21 about George Bell in public and what we'd said to Carol 22 in private. 23 As I say in my July submission to Lord Carlile from 24 last year, certainly it is my job to try and see and 25 articulate these things from the perspective of</p> <p style="text-align: center;">Page 15</p>
<p>1 sort of overarching conclusion, and I very much can 2 understand why he uses that phrase, but the problems and 3 difficulties are very complex. 4 As I said, the suggestion that we should demand or 5 seek that corroborative evidence, it does run aground, 6 in my view, on the nature of the problem. That is where 7 the church was a decade and a half ago. 8 Q. The decision to make a public apology. That was widely 9 criticised not just by Lord Carlile but was widely 10 criticised by a number of individuals -- 11 A. Yes. 12 Q. -- both within and without the church. Do you think 13 that it was the wrong thing to do, with the benefit of 14 hindsight? 15 A. I think I describe myself -- I comment in my statement 16 that -- I'm not surprised, but it never comes out in the 17 evidence. I always said that I describe myself as 51/49 18 on this. In other words, I was just on the side of 19 going public, but only just. So, to be honest, I could 20 always see the problems associated with it. Other 21 colleagues -- including other colleagues within the core 22 group -- thought that we shouldn't. It was a very, very 23 difficult decision. 24 I can only really comment on my own views of why we 25 did, and I made these points in a submission to</p> <p style="text-align: center;">Page 14</p>	<p>1 the victim, and in my view, Carol would have been right 2 to say -- would have been justified to some extent in 3 saying, "If you really believe me, given the public view 4 of George Bell, wouldn't there be some balance, wouldn't 5 you find a way of expressing that belief, to incorporate 6 my account into the way George Bell is remembered". 7 I believe -- well, certainly that's why I was on the 8 sort of -- the positive side of the 51/49, that's why 9 I just thought we should go public. 10 I fully understand that that's controversial. 11 I doubt I have just persuaded anyone who thinks that we 12 shouldn't have done that. But those are my views. 13 Q. In fact, at paragraph 28 you say: 14 "My concerns throughout have been that we exposed 15 Carol to public criticism of her account, and by 16 extension her person, and therefore have undermined much 17 of the recent progress we have made in how we respond to 18 survivors and in building the credibility of 19 safeguarding within the church. Whilst there have been 20 some measured, while still critical, reactions, there 21 has also been much that I can only describe as bullying 22 or extreme overreaction." 23 A. Yes. 24 Q. You then say something which I think is very important 25 for the inquiry to note:</p> <p style="text-align: center;">Page 16</p>

<p>1 "It has been difficult for me to avoid observing 2 that much of the reaction has been precisely what is 3 predicted by recent research which studied the reaction 4 of religiously affiliated people to allegations of abuse 5 against clergy." 6 Perhaps you'd like to tell us a little bit about 7 that? 8 A. Sorry, can you remind me which paragraph? 9 Q. Paragraph 28 of your witness statement, 10 over into 11. 10 The sentence I have just read out is the second sentence 11 on page 11: ACE026284_011, in case you would prefer to 12 have it on the screen, or the chair and panel would 13 prefer that? 14 A. Thank you. As I said, there have been many measured 15 reactions and those measured reactions very much reflect 16 the discussion that happened within the core group. But 17 in my view, there have been a lot of very unmeasured 18 reactions as well. 19 I should say that I actually didn't include it in my 20 evidence, but I was aware of one meeting -- I think it 21 was in Chichester shortly after the announcements at the 22 end of 2015, where really to measure -- to sort of gauge 23 the reaction to the announcement, and someone said to 24 a colleague who was at that meeting, "If I was a victim, 25 I'd keep my head down, because this reaction is much</p> <p style="text-align: center;">Page 17</p>	<p>1 article I co-authored with Dr Craig Harper from 2 Nottingham Trent University that draws on some of that 3 empirical research and seeks to identify a theoretical 4 foundation. It seems to be that when allegations are 5 made against leaders in institutions from which we gain 6 our own identity and our own value, that creates 7 a system threat, that creates a threat to the system -- 8 Q. A threat to somebody's own self-identity? 9 A. Exactly. Because we generate our identity from the 10 settings with which we associate ourselves. Therefore, 11 the more involved we are in that setting, the less 12 likely we are, it seems, for perhaps some of 13 the psychological reasons alluded to in the quote from 14 Dr Nigel Speight that I read out yesterday, the less 15 likely we are to believe, and I have had to observe the 16 last three years of reactions and just note how much 17 they are similar to what that research shows. 18 Q. Can I just ask, one of the issues, as we have already 19 identified, is dealing with posthumous allegations is 20 very difficult. Within the context of the Diocese of 21 Chichester, how much experience have you had of trying 22 to manage those? 23 A. I say in paragraph 30 -- 24 Q. Paragraph 30? 25 A. -- over the last seven years there have been allegations</p> <p style="text-align: center;">Page 19</p>
<p>1 more than a measured criticism. This reaction is very 2 negative towards victims indeed, generally". 3 I do think that that article has got some real 4 value. That article describes -- 5 Q. I understand, just for the benefit of the record, you 6 footnote that article at the bottom? 7 A. I footnote the article. 8 Q. It is an article by Minto, Hornsey, Gillespie, Healy and 9 Jetten: "A social identity approach to understanding 10 responses to child sexual abuse", in -- is it PloS One. 11 I'm not quite sure -- 12 A. It is an open access journal site. So it is 13 available -- it is not behind a paywall. That article 14 looked at the willingness of people to believe an 15 allegation against a religious leader. It looked at 16 three groups: non-Christians; non-Catholic Christians; 17 and highly involved Catholic Christians. It involved 18 a number of vignettes of allegations against a Catholic 19 cleric, hypothetical allegations against a Catholic 20 cleric. 21 The more involved people were within the Catholic -- 22 so within the Catholic setting, the less likely they 23 were to believe the allegation, and the more likely they 24 were to undermine and denigrate the person making the 25 allegation. I've also included in my own evidence an</p> <p style="text-align: center;">Page 18</p>	<p>1 against -- I think it was 15 at the time that I wrote 2 this, I think it might be 16 now, actually, including 3 George Bell. So fairly substantial experience. I think 4 that's going to be replicated far wider than Chichester, 5 but fairly substantial experience, yes. 6 Q. I understand that there isn't any guidance that the 7 church currently publishes in respect of what do you do 8 and how do you manage posthumous allegations. Now, 9 I would envisage, as you have already identified, in the 10 majority of cases which aren't against bishops, the 11 Ecclesiastical Insurance Office, if a civil claim is 12 presented, would -- 13 A. Yes. 14 Q. -- and if the church is insured, which it is highly 15 likely to be, would do so? 16 A. Yes. 17 Q. But you were in the very unusual context of the fact 18 that this was a claim against a bishop and therefore was 19 uninsured? 20 A. Yes, and that, to my mind, created an awful lot of 21 the problems that Lord Carlile I think rightly 22 identifies, but without, in my view, really identifying 23 the source of the problem. The fact that this was an 24 uninsured claim generated, as I said, the fact that the 25 core group was responding to a civil claim in a way that</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

1 **was much more intertwined than it is normally. It**
 2 **created the delay, which then created the inconsistent**
 3 **membership of the core group. All of those issues**
 4 **traced back to the point of the uninsured claim. This**
 5 **was a very unusual situation.**
 6 Q. But do you not think -- I mean, obviously, there is no
 7 current guidance. I understand some may be in the train
 8 of being processed. This is a very difficult situation,
 9 because we have heard various members of the church say
 10 to us, "It is not our job to investigate allegations".
 11 But if somebody is dead and therefore there is -- you
 12 know, the police will not -- I mean, they might carry
 13 out a review, but no charges can obviously be brought.
 14 **A. Sure.**
 15 Q. And statutory agencies are likely to say, "We don't
 16 really want to get involved", should there be a role for
 17 the church maybe nationally to undertake some kind of
 18 quasi investigative process?
 19 **A. Yes, I think there should. As I say in my statement,**
 20 **I think John Hind alluded to it last week, the view,**
 21 **rightly, that the church had moved away from doing our**
 22 **own investigations and had seen -- "Well, we need to**
 23 **just hand the information over to the police and let**
 24 **them do that", but I think that has led to a gap in the**
 25 **church's guidance which I understand is being looked at**

Page 21

1 **at the moment.**
 2 Q. Can I ask, some of the criticisms -- the National
 3 Safeguarding Steering Group have produced something in
 4 which they respond and largely accept the criticisms of
 5 Lord Carlile's report, whilst not accepting all of them.
 6 I understand that one of the criticisms that
 7 Lord Carlile made was that there had not been any
 8 communication with wider members -- I think he uses the
 9 words members of the Jewish community within the core
 10 group. Obviously for those individuals, probably
 11 members of the public rather than people in this room,
 12 who don't know, George Bell was instrumental in the
 13 Kinder Transport which brought a number of children from
 14 across Europe to England just before the outbreak of
 15 World War II?
 16 **A. Yes.**
 17 Q. Do you accept that that was an error?
 18 **A. Yes, and I had actually been advocating within the core**
 19 **group process for us to do that. It was felt and**
 20 **decided I think -- I think it was in the July 2014**
 21 **meeting, that we shouldn't do that. Lord Carlile**
 22 **criticises that and, yes, I think we should have done**
 23 **that. I think that is the kind of thing that, if there**
 24 **had been that independent investigation beyond that**
 25 **which was done to settle the claim, and I think it's**

Page 22

1 **very important, there was an investigation here, it was**
 2 **what was done to settle the claim, it was perhaps that**
 3 **was inadequate. But it wasn't that there was no**
 4 **investigation. But, yes, I think that is the kind of**
 5 **thing we could have done, which is why I suggested it at**
 6 **the time.**
 7 Q. Could I ask you to turn to paragraph 22 of your witness
 8 statement, page 14. Chair and panel, this is based
 9 upon -- this is Mr Perkins' critique of what
 10 Lord Carlile says at paragraph 155 of his report, which
 11 is found behind tab B47 of your bundle, chair and panel,
 12 and it is paragraph 155, which is the major criticism of
 13 the core group -- well, the principal criticism of
 14 the core group, page 38. Paul, ANG000152_038.
 15 I'm going to run you through those. There are five
 16 points that he makes. We have got them up on the
 17 screen.
 18 **A. I'm just turning to -- because I respond to those in**
 19 **turn.**
 20 Q. Yes. Briefly, what he firstly says is:
 21 "... the justice of the case ... was not of as great
 22 importance as the paramount consideration of
 23 the reputation of the church."
 24 **A. As I say in my statement, if that had been -- well, he**
 25 **mentions the justice of the case both in terms of**

Page 23

1 **George Bell and Carol. The suggestion is that we put**
 2 **the reputation of the church over Carol's welfare. As**
 3 **I'd said in -- as we'd said in our response to the first**
 4 **draft, and I still maintain, that is absolutely not what**
 5 **happened. As I suggest in my statement, the inquiry**
 6 **would have very, very clear evidence indeed from the**
 7 **minutes of the meetings if that had been what had**
 8 **happened. Because I would have challenged -- and**
 9 **a number of members of the core group, not just me,**
 10 **would have challenged that very vociferously indeed.**
 11 **I have to say, if that had been what had happened,**
 12 **I would be taking this opportunity to distance myself**
 13 **from the actions of the core group. That is absolutely**
 14 **not what occurred.**
 15 Q. Was it the situation that there was scant, if any,
 16 regard to Bishop Bell's good character? Because that
 17 comes out of this at various other points in his
 18 conclusions? Paragraph 56 of Lord Carlile's conclusion,
 19 he says:
 20 "... scant, if any, regard to ... Bishop Bell's good
 21 character [was paid]."
 22 Again, he also argued that there was deliberate
 23 destruction of the reputation of George Bell. What do
 24 you say to those two things?
 25 **A. In terms of the regard given to his good character, the**

Page 24

<p>1 esteem, he also talks about that -- 2 Q. You deal with this at paragraph 70 and onwards of your 3 witness statement. Maybe if you would like to turn that 4 up for your own benefit. Chair and panel, that's 5 page 25 of Mr Perkins' supplementary witness statement? 6 A. We were very mindful indeed of the reputation of 7 George Bell, and in many ways the reputation of 8 George Bell is why we were holding the core group in the 9 first place. I have just mentioned a number of other 10 allegations we'd received about deceased clergy. Most 11 of those are obscure clergy, and didn't generate this 12 level of action. Because we were aware of the weight of 13 his reputation and the likely impact of people reacting 14 to any actions we took, to some extent that was the 15 reason that we were having this nationally chaired 16 meeting involving staff from both the national church 17 and Chichester. 18 But I am very surprised at the extent to which, 19 certainly throughout the last two and a half years, 20 there have been many calls, and I am concerned that some 21 of those calls have correctly or otherwise perceived 22 a high level of support from within Lord Carlile's 23 report for the suggestion that a great man such as Bell 24 cannot possibly have also been an abuser. 25 As I outlined in my statement, that runs against</p> <p style="text-align: center;">Page 25</p>	<p>1 admired teachers within that educational setting, 2 sometimes the teachers that are the most popular could 3 also be guilty of abuse. We know that's worldwide 4 research. 5 Q. There are two technical issues I want to raise. 6 Lord Carlile criticises the core group, and this is at 7 paragraph 167 of his report, page 044, chair and panel, 8 if you want to get it up, B47. He identifies -- he says 9 that one of the things that you got wrong was not 10 understanding that he wouldn't -- had he been alive, he 11 wouldn't have satisfied the arrest conditions, is what 12 he says. 13 So you mistakenly -- what I think he indicates is, 14 having read the minutes, he believes that what happened 15 was, you all thought he would be arrested, he would have 16 been arrested, and therefore that was something which 17 fed into your consideration of whether or not the civil 18 claim should be settled? 19 A. Firstly, I'm not sure that he's correct about that, 20 having worked with Sussex Police on a large number of 21 cases. I'm actually just not sure that he's correct. 22 I think he may well have been. 23 But he largely suggested that we were so 24 inexperienced within the criminal justice system that we 25 conflated arrest with charge with conviction. As I say</p> <p style="text-align: center;">Page 27</p>
<p>1 a lot of the evidence that I'm aware of internationally 2 with regards to child sexual offenders within 3 institutions. If I may, I think there's one other point 4 that I particularly want to make on that, and for me 5 this is quite an important point: Carol gave an 6 interview to the Brighton Argus in February 2016 -- 7 sorry, 2014 -- no, I'm getting my dates wrong, it was 8 2016, in response to the controversy. In that interview 9 she said, "I know that George Bell was a man of peace, 10 but that doesn't mean he didn't do these things to me". 11 It always struck me as very powerful that, of all of 12 the people in this narrative, she has managed to keep 13 the balance and she has managed to articulate very 14 powerfully that it's possible that he was both. 15 Q. I think at paragraph 70 of your witness statement you 16 identify some research that the NSPCC did in educational 17 settings which often found that those who sexually 18 abused students are often the most competent and popular 19 of staff and are often -- I think the word used by the 20 NSPCC is "adored"? 21 A. Yes. The evidence -- much of the evidence this inquiry 22 has heard, much of the academic evidence throughout the 23 world, suggests, again, going back to Nigel Speight's 24 quote, that people find it extremely difficult to 25 believe that especially their admired leaders, or</p> <p style="text-align: center;">Page 26</p>	<p>1 in my statement, that is simply not the case. There 2 were plenty of very experienced safeguarding 3 professionals with, between us, decades of experience 4 within the criminal justice system who were perfectly 5 capable of separating those things out. 6 Q. Thank you. He also identifies that you hadn't followed 7 the basic prosecutorial process of looking at whether or 8 not something had happened and whether or not -- you 9 know, the two-stage test which the CPS identified. Do 10 you have any comment that you wish to make about that? 11 A. Well, he specifically criticises that Sussex Police 12 hadn't communicated properly to us that process. He 13 identifies Detective Inspector EF as the person who 14 should have, but didn't, correctly communicate that to 15 us. He identifies that from one email exchange in 2013, 16 right at the start, when we were arranging Carol's 17 interview with Sussex Police. 18 As I say in my statement, between certainly myself 19 and Gemma, we probably had weekly contacts with DI EF 20 across a five-year period between Operation Perry and 21 Operation Dunhill, and I think it highlights my point 22 that making that conclusion based on one email exchange 23 rather than discussing that with us, where we could have 24 explained that level of contact, is one of my concerns 25 about the process of the report.</p> <p style="text-align: center;">Page 28</p>

<p>1 Q. He also recommends, Lord Carlile, at paragraph 170, that 2 there should have been specialist criminal law advice 3 provided to the group. What's your view about that? 4 A. If I can just -- 5 Q. It is page 44 of B47, chair and panel. Thank you very 6 much, Paul. 7 A. I'm just trying to find within my own statement -- 8 Q. Oh, you deal with it at paragraph 57, Mr Perkins. 9 A. Thank you. 10 Q. Paragraphs 56, 57 and 58. 11 A. Thank you. Firstly, this was a civil claim, so tested 12 to the civil standard. So it's still not clear, and 13 I believe not clear to others who are responding to 14 this, why a comment about whether or not it could have 15 been proved to the criminal standard would necessarily 16 help us in deciding whether it could have been proved to 17 the civil standard. 18 But, again, that comment seems to have ignored my 19 submission from July 2016, where I make really clear, 20 and the minutes make really clear, and the legal advice 21 provided to the core group makes really clear, we were 22 making a choice to believe. 23 There was -- never at any point, in my recollection, 24 at any point in the core group, did anyone say, "He 25 would have been convicted for this, so we have no</p> <p style="text-align: center;">Page 29</p>	<p>1 behalf. I think you accept that critique, don't you? 2 A. I accept that critique, although in the submission from 3 the National Safeguarding Steering Group, I would also 4 emphasise the separation in that submission from the 5 action -- between the actions of the core group, the 6 work of the core group, and the work of -- I think it's 7 called -- a group -- a body thinking about the 8 litigation. I am not sure that there should be within 9 the core group a person doing that, because the core 10 group is really managing a different situation. I think 11 that obviously and clearly should happen, but perhaps 12 within that different body. I think that's the advice 13 from -- or that's the response from the National 14 Safeguarding Steering Group, which I would agree with. 15 Q. Two further issues: one about limitation; the second 16 about non-disclosure agreements. Obviously you are not 17 a lawyer, so I'm not going to ask you this. One of 18 the points that Lord Carlile raises is that nobody 19 seriously considered the limitation issue and/or that 20 the limitation issue should have been considered. Just 21 for the public, the usual rule is that such claims have 22 to be brought within -- well, actually, in cases of 23 sexual violence, it is six years, but in cases of breach 24 of duty, ie negligence, it's three years but with an 25 equitable time limit under section 33 of the Limitation</p> <p style="text-align: center;">Page 31</p>
<p>1 choice". That just wasn't part of the discussion, which 2 I say in that paragraph. 3 Q. Which, again, Lord Carlile in his report at 4 paragraph 171 seems to identify that one of 5 the criticisms of the core group is they didn't think 6 about whether or not he would have been prosecuted had 7 he been alive, and he identifies that the prospects of 8 successful prosecution were low. I think at 9 paragraph 57, you say -- 10 A. Thank you. 11 Q. -- "Well, we wouldn't necessarily have asked ourselves 12 that question"? 13 A. We were fully aware that the chances of a conviction, 14 were he alive, were low, and, as I say at the end of 15 paragraph 57, external advice on that particular point, 16 was a criminal conviction likely, was not sought, not 17 because it never occurred to us to ask, but because the 18 answer was relatively obvious. 19 Q. Can I ask you just about two further points that he 20 raises at paragraph 155, if we can go back to that, 21 please, chair and panel, 038, please, Paul. Page 38, 22 chair and panel, of B47. 23 He identifies that one of the other issues is that 24 there wasn't adequate engagement and involvement of 25 Bishop Bell's family or people speaking on Bishop Bell's</p> <p style="text-align: center;">Page 30</p>	<p>1 Act, which involves, in effect, looking at all the 2 circumstances and saying, is it there or isn't it there. 3 Now, we understand from the Ecclesiastical Insurance 4 Office's guiding principles that in an insured claim -- 5 we dealt with this with Professor Macfarlane earlier in 6 the week -- they only raise limitation exceptionally, so 7 to speak? 8 A. Yes. 9 Q. Was limitation something which was considered and 10 discussed within the context of the group? 11 A. It was -- 12 Q. Just to say, "It was just too long ago. We can't 13 possibly settle a claim on this basis"? 14 A. It was considered and discussed extensively in the 15 second core group, July 2014. The minutes make that 16 very clear. In fact, the explanation you've just given 17 is possibly almost verbatim the explanation that was 18 given to that core group, and, as the minutes show, 19 there was then an extensive discussion. 20 I think, again, that goes back to my problem about 21 the process of the Lord Carlile review. 22 What the minutes do not say is, "The purpose of 23 limitation was clearly explained", largely because 24 everyone was fully aware. They were clearly explained 25 but the minutes don't clearly say that.</p> <p style="text-align: center;">Page 32</p>

1 Q. Of course, the issues of vicarious liability have
 2 changed markedly over the past 10 years in respect of
 3 cases of sexual violence against individuals?
 4 **A. Exactly.**
 5 Q. To make them a lot more generous than they were, shall
 6 I put it that way?
 7 **A. Yes. But, as I say, the very fact that we had an**
 8 **extensive discussion suggests that that -- the point of**
 9 **limitation was fully understood. That is certainly the**
 10 **case: it was fully understood.**
 11 Q. Non-disclosure agreement. The other significant
 12 criticism that Lord Carlile makes is, why wasn't there
 13 a confidentiality agreement put to this in order to
 14 avoid what he considers to be unfair besmirching of
 15 Bishop Bell's reputation. I mean, that's probably
 16 putting it slightly higher than Lord Carlile puts it in
 17 his report, so I'm slightly overegging that, but he
 18 considers that it's unfair. I think the church has
 19 responded and said, "We think it was right that there
 20 wasn't a non-confidentiality agreement and we don't
 21 agree to -- confidentiality agreements, I think, rather
 22 than non-confidentiality agreements -- think about NDA,
 23 the US word for them. What's your view about that, if
 24 you have any?
 25 **A. As you said, the church has already rejected that**

Page 33

1 **proposal. I was very glad to see that. As you said,**
 2 **I'm not a lawyer, so I possibly shouldn't stray into**
 3 **this, but my understanding of --**
 4 Q. Well, from the perspective of somebody -- you've
 5 identified that you started this process trying to work
 6 from the perspective of providing compassionate support
 7 to victims and survivors?
 8 **A. Exactly.**
 9 Q. From that perspective, that's your view?
 10 **A. From that perspective, my understanding of**
 11 **Lord Carlile's recommendation with regards to the**
 12 **non-disclosure agreement or the confidentiality**
 13 **agreement, he also suggests -- my understanding of his**
 14 **report is -- that we should have settled the claim**
 15 **with --**
 16 Q. Sort of no admission of liability?
 17 **A. No admission of liability. From my point of view, from**
 18 **the perspective you just described, that would have**
 19 **effectively been saying, "We are not accepting your**
 20 **claim. We are not going to apologise. We are going to**
 21 **perhaps provide some monetary settlement and we are**
 22 **going to require you to sign a non-disclosure**
 23 **agreement". That is exactly the opposite of where**
 24 **I think the church should be on this issue, from my**
 25 **perspective.**

Page 34

1 Q. Can we now -- that's been very helpful, and I think we
 2 have got a very clear view from you of your critique of
 3 that, which I know you were very clear that you wanted
 4 to give to this inquiry.
 5 Can we now turn to the more mundane topic, or maybe
 6 more exciting topic, of what you actually do on
 7 a day-to-day basis? You set this out at various places
 8 in your witness statement -- 35, 36, 22, 62 to 70.
 9 What is the job of a diocesan safeguarding adviser
 10 now, in 2018?
 11 **A. Perhaps if I could answer that by saying, this is the**
 12 **job of the diocesan safeguarding team now in Chichester.**
 13 **So I do think, and actually that's part of my evidence.**
 14 Q. Can I ask -- yes. Because previously we have heard
 15 about Shirley Hosgood on her own?
 16 **A. Yes.**
 17 Q. Janet Hind on her own. Then you come along. What
 18 changes?
 19 **A. So I arrived in May 2011. We recruited a full-time**
 20 **administrator in 2012. We -- I say we recruited, but we**
 21 **effectively came to a service level agreement with**
 22 **West Sussex Sexual Violence Services for**
 23 **Gemma Wordsworth, an independent sexual violence**
 24 **adviser, to join my team in 2013.**
 25 Q. You characterise that, at paragraph 123 of your witness

Page 35

1 statement, as "the single best decision I made".
 2 **A. Yes. I am fervently of the view that the role of**
 3 **independent sexual violence adviser -- and various --**
 4 **there may be various different models of working with**
 5 **that role, but I am very much of the view that that is**
 6 **the way the church should be going, in terms of working**
 7 **with survivors, and particularly that initial response**
 8 **to survivors when they come forward. The model of IDSVA**
 9 **working -- the phrase that I've heard is that it's**
 10 **a "support to report" model of working, and for me,**
 11 **that -- the independence of that person, the skill of**
 12 **that person, the training they have in working in**
 13 **a pre-trial context, and just four years of seeing Gemma**
 14 **do that in my team and now with Helen Irving in my team**
 15 **as well, I'm absolutely convinced that's the right way**
 16 **to go.**
 17 **Going back to -- we then recruited Morag Keane,**
 18 **initially on secondment -- she's a child protection**
 19 **social worker -- initially on secondment from**
 20 **West Sussex County Council in 2014, but then joined my**
 21 **team as an employee of the DBF from 2015 and then also**
 22 **got some more administrative support. So that's been**
 23 **the growth of the team.**
 24 Q. So there's now -- is it five of you?
 25 **A. Yes.**

Page 36

<p>1 Q. There are now five people. Is that enough?</p> <p>2 A. Just. Just. And actually that's very much part of my</p> <p>3 evidence, that, in my view, we should move beyond --</p> <p>4 move away from the diocesan safeguarding adviser and</p> <p>5 move towards diocesan safeguarding teams. As I have</p> <p>6 just outlined, my view is that those teams should be</p> <p>7 multi-disciplinary.</p> <p>8 The fact that we've had myself from a probation</p> <p>9 background, Gemma as an IDSV, Morag Keane from a child</p> <p>10 protection social work background, and Helen also an</p> <p>11 IDSV has been tremendously useful.</p> <p>12 Q. Dame Moira Gibb in "An Abuse of Faith" says, "I think</p> <p>13 everybody should be a qualified social worker", and she</p> <p>14 uses that term rather somebody with expertise in child</p> <p>15 protection. She says that largely because there has</p> <p>16 been wide variation in dioceses about the nature and</p> <p>17 experience of people. What's your view about that?</p> <p>18 A. I disagree with Dame Moira on that particular point.</p> <p>19 I know there will be another piece of evidence given</p> <p>20 next week by someone speaking at this inquiry who will</p> <p>21 be saying the same thing. But my view is that it would</p> <p>22 be a mistake across the next 10 years or so, for</p> <p>23 instance, to narrow the skill base within</p> <p>24 Church of England safeguarding teams to any one</p> <p>25 professional background. And I would be saying this if</p> <p style="text-align: center;">Page 37</p>	<p>1 Q. But I would imagine that the delivery of training takes</p> <p>2 up a significant amount of your time. Is that something</p> <p>3 which could be more appropriately outsourced to</p> <p>4 specialist organisations to give you time, or is it</p> <p>5 important that you have those contacts with people in</p> <p>6 parishes?</p> <p>7 A. From my point of view, it is possibly a "both and". In</p> <p>8 terms of -- in our diocese, we use a voluntary --</p> <p>9 a volunteer training team made up of people with</p> <p>10 significant professional skills from within our</p> <p>11 parishes who put forward their time to deliver a lot of</p> <p>12 the C1 training, that's the training that should be</p> <p>13 delivered to anyone on a rota. We are now also</p> <p>14 delivering C1 via the new online module, which has been</p> <p>15 extremely well received.</p> <p>16 But C2, the leadership module, is delivered by</p> <p>17 either myself or Morag Keane, or another person and</p> <p>18 Morag.</p> <p>19 We delivered that to just over 1,000 people, I think</p> <p>20 it is, over the last 14-months: 60 per cent laity,</p> <p>21 40 per cent clergy, which is a useful thing to note,</p> <p>22 actually, because that is a leadership module. I'm</p> <p>23 quite encouraged that the majority of the leaders from</p> <p>24 parishes are non-ordained. I'm encouraged by that.</p> <p>25 Q. Isn't that absolutely essential?</p> <p style="text-align: center;">Page 39</p>
<p>1 the recommendation was all probation officers or all</p> <p>2 police too. I think the job -- as I said yesterday, the</p> <p>3 job is just far wider than can be encompassed within any</p> <p>4 one professional background.</p> <p>5 For instance, Morag Keane on my team, who is a child</p> <p>6 protection social worker, actually spends a lot of her</p> <p>7 time managing those 43 agreements with registered sex</p> <p>8 offenders that I discussed yesterday. Now, that is</p> <p>9 actually much more a probation officer's background than</p> <p>10 it is a social worker. I really think the diocese</p> <p>11 should be required to recruit from probably the three</p> <p>12 key disciplines: probation, police and social work. And</p> <p>13 also have that IDSV role as well.</p> <p>14 Q. So your responsibilities are: training, case work and</p> <p>15 policy, broadly?</p> <p>16 A. Broadly, although policy, of course, very much we have</p> <p>17 brought on and we have incorporated the national policy</p> <p>18 and practice guidance. So I'm doing much less policy</p> <p>19 writing than I was.</p> <p>20 Q. As far as the safeguarding training, do you think that</p> <p>21 should be kept at a diocesan level, or -- I mean, there</p> <p>22 now is -- or there's been recently rolled out national</p> <p>23 training. So you have now get a set standard of modules</p> <p>24 that everybody has to do.</p> <p>25 A. Mmm.</p> <p style="text-align: center;">Page 38</p>	<p>1 A. Yes, especially in terms of what I think others have</p> <p>2 identified in the past, a culture of clericalism. I'm</p> <p>3 very glad to have the figures to show that leadership in</p> <p>4 parishes, especially around safeguarding, is more lay</p> <p>5 than ordained, as evidenced from those figures.</p> <p>6 But I do think there is a real value in a member of</p> <p>7 the diocesan safeguarding team being in those training</p> <p>8 events, especially those C2 events. It helps people to</p> <p>9 get to know us, it helps us to get to know them. It</p> <p>10 means that we are hearing about what's actually going on</p> <p>11 in parishes, what the real challenges are. As I said</p> <p>12 elsewhere in my statement, and as Graham Tilby has said</p> <p>13 as well, the parish is the heart of the Church</p> <p>14 of England, so we need to make sure that safeguarding</p> <p>15 teams are closely connected and understanding of what's</p> <p>16 going on in that context.</p> <p>17 Q. Can I ask, you identify -- you say that the role of</p> <p>18 the diocesan safeguarding adviser is more wide ranging</p> <p>19 than most professional safeguarding roles. What are the</p> <p>20 main challenges?</p> <p>21 A. Across any one week or month, we will be working with</p> <p>22 the police on investigations, we will be supporting</p> <p>23 victims of abuse who are coming forward. We will be</p> <p>24 providing day-to-day advice on safeguarding arrangements</p> <p>25 to parishes. We will be working with police, probation</p> <p style="text-align: center;">Page 40</p>

1 and parishes to manage high risk -- to manage sex
 2 offenders in our congregations. We will be advising
 3 church personnel on -- perhaps they have a concern about
 4 a young person in their church or an elderly person in
 5 their church, they are observing those concerns and
 6 wondering whether or not to report them to children's
 7 services. That's a range -- we may have a church phone
 8 us up about someone who has a mental health problem in
 9 their congregation, someone who is suicidal, a domestic
 10 abuse situation, and so on and so forth. It is very,
 11 very broad indeed. That is very much why I believe we
 12 should have multi-disciplinary teams.

13 Q. Is that your major improvement, to have
 14 a multi-disciplinary team and continue to maintain that
 15 sort of team?

16 A. Very much so.

17 Q. Can I ask, you have introduced something -- you set it
 18 out at paragraph 39 of your first witness statement.
 19 Chair and panel, page 16, if you want to turn it up.
 20 You refer to something called the "Simple Quality
 21 Protects tool". That, again, has got sort of managerial
 22 speak. What is it and what is it meant to be doing and
 23 how successful has it been?

24 A. Simple Quality Protects is something we launched
 25 last May. So it is effectively an online safeguarding

Page 41

1 checklist for parishes.

2 Almost ever since I got -- I came into post, the
 3 single question that parishes -- the parish personnel
 4 have been asking me most is, "Can we just have some
 5 simple advice, a simple series of guidance so that we
 6 can know that we are getting this right? You know, how
 7 do we know that we have got enough, that we have got
 8 everything in place that we should have?" It took me
 9 a long while to launch that, but Simple Quality Protects
 10 is an external -- it is an external company but it is
 11 essentially an external Kitemark, for want of a better
 12 word. It was developed within the community and
 13 voluntary sector and it is recognised across --
 14 certainly within a Sussex context, across all of
 15 the local safeguarding children's boards, local
 16 safeguarding adults' boards, has been for a number of
 17 years. So it is an externally recognised Kitemark for
 18 safeguarding practice.

19 We worked with SQP, with parishes and with our own
 20 safeguarding advisory panel to make sure that we'd
 21 identified everything that needed to be in place in
 22 parishes. So level 1 SQP, which is the sort of
 23 foundation level, has got 20 things that each parish
 24 needs to have in place to be able to say --

25 Q. Does that enable you then to monitor?

Page 42

1 A. Yes.

2 Q. So they sort of tick a box, I'm assuming?

3 A. It is an online tool, but it provides management
 4 information. So since last May, when we launched it,
 5 just under 89 per cent of our parishes are well under
 6 way with Simple Quality Protects. If I may, perhaps, to
 7 give an illustration --

8 Q. We had Teddy Luke, didn't we?

9 A. If we can go back to Teddy Luke and St Luke's,
 10 Stone Cross, I know that they are 75 per cent of the way
 11 through Simple Quality Protects. I imagine that one of
 12 the bits they haven't gone to yet is the point in SQP
 13 that talks about safeguarding information being
 14 available both on the noticeboard and the parish
 15 website.

16 I should say, just perhaps on that particular point,
 17 most of our churches do rely on volunteers to do things
 18 like websites, which is why, up until recently, it has
 19 been the parish noticeboard, the church noticeboard,
 20 that's where the guidance has been about policy and
 21 contact information. But we launched SQP, as I said,
 22 ten months ago. We have also said parishes, if they
 23 have got a website, they need to be able -- to be
 24 putting their quality and contact information on that
 25 website.

Page 43

1 But, as I said, I was able after you raised it
 2 a couple of days ago to go back and check. That church
 3 is 75 per cent of the way through. So that's an example
 4 of the kind of management information I can give.

5 Q. As I say, to be fair to the church, we looked on the
 6 afternoon after Bishop Martin had given his evidence and
 7 there was a safeguarding policy that was placed on there
 8 that afternoon. So instant action.

9 A. When my team start to review progress, because until --
 10 a church cannot get -- a parish cannot get an SQP
 11 level 1 award until they have provided evidence that
 12 they have got all 20 of those things in place, and I do
 13 know that, after Easter, when we start to do that, every
 14 parish that we look at will have stuff on their website.
 15 So thank you very much for that, because I know that
 16 that will be done.

17 Q. Can we now, just before the break, deal with --
 18 obviously you mentioned the fact that you have had to
 19 deal with a number of posthumous cases and you have also
 20 had to deal with a large number of non-recent cases of
 21 abuse, of sexual abuse. How much of your time has that
 22 occupied?

23 A. It's varied across the last seven years, but it has been
 24 a very substantial amount of time.

25 Q. Just for the chair's reference, it is dealt with at

Page 44

<p>1 23 to 26 of your witness statement and then again at 2 paragraphs 62 to 70. I think it is 62 to 70 that you 3 set out in quite some detail, pages 23 onwards. I think 4 you say it's taken a large proportion of your time in 5 2012, 2013, and then the last six months of 2015? 6 A. Yes, especially those last six months of 2015, with the 7 number of core cases that have been going on for years 8 coming to the trial stage at the same time. It was 9 a very dominant feature of the whole team's life at that 10 point. 11 Q. Has that prevented you from being able to do the 12 proactive, forward-looking work? 13 A. It certainly slowed that down, unquestionably. That's 14 why when you asked me, "Is five people enough?", I said 15 "Only just", because it has certainly slowed that down. 16 Q. Do you think it would be appropriate for non-recent 17 abuse cases to be handled separately from a diocese or 18 to be handled by a national team so that your focus is 19 on the here and now, the forward looking? 20 A. Yes, although I would say that, in many ways, the key 21 point about non-recent abuse cases has been handled 22 separately within my team for the last five years, 23 because the IDSVAs work with us but not for us. So 24 actually that "support to report" model which is 25 independent of the diocese has been there</p> <p style="text-align: center;">Page 45</p>	<p>1 practice has left me utterly convinced that the best 2 solutions almost always arise from the coalface." 3 A. Yes, that is my view. 4 Q. So -- 5 A. So I think there is -- I think there is real value in 6 the national safeguarding team looking at identifying 7 best practice across the country, and, as I say in that 8 paragraph -- 9 Q. That's what you are effectively saying. You are saying, 10 "I like the national safeguarding team"? 11 A. Very much, yes. 12 Q. "But it would be helpful for them to go to every diocese 13 and look at best practice" and then -- 14 A. And in parishes as well, yes. There will be different 15 pockets of good practice across the country. I have 16 suggested a couple within Chichester, the IDSVAs model, 17 Simple Quality Protects, but because I have spent a lot 18 of time with my colleagues around the country, there are 19 excellent ideas that they have had which we have not 20 had, and I think a model of identifying best practice 21 and facilitating other dioceses implementing that as 22 well is a very good model of ensuring that we keep 23 practice as practice focused whilst, as I say in that 24 paragraph, not leaving everyone building from the ground 25 up on a local level.</p> <p style="text-align: center;">Page 47</p>
<p>1 since January 2013. But, yes, I think there are -- 2 there is certainly value in looking at that across the 3 country and whether or not that forward-looking 4 stance -- and that focus on child protection now, on 5 adult-at-risk protection now, is difficult to maintain 6 with the right and proper need to deal with the legacy 7 as well. 8 Q. Do you have any suggestions as to how that could be 9 dealt with? By some kind of ombudsman-type service or 10 having a sort of quasi-investigative service which could 11 provide some sort of -- the compassionate response you 12 identify? 13 A. My suggestion is primarily the IDSVAs role, as I have 14 said. That "support to report" model, that working very 15 closely with referring to ongoing counselling and so on 16 and so forth, working closely with police, and so on, 17 that is my main suggestion. 18 Q. You also say, because I think we asked you lots of 19 questions about, if there have been significant 20 challenges, what can change and what assistance the 21 national safeguarding team can do. You identify at 22 paragraphs 68 and 69: 23 "With regards to what the national safeguarding team 24 could do to assist with this, this is a difficult 25 question for me to answer because nearly 20 years of</p> <p style="text-align: center;">Page 46</p>	<p>1 Q. Because in fact you say you haven't really had a chance 2 to look over the parapet at what your colleagues are 3 doing? 4 A. Not to the extent that I could implement what they are 5 doing, no. I would very much value some support in 6 that. 7 MS SCOLDING: Chair and panel, I don't know whether this is 8 an appropriate moment for us to take a short break? 9 THE CHAIR: Yes, we will do that, Ms Scolding, and return at 10 11.25 am. 11 (11.10 am) 12 (A short break) 13 (11.30 am) 14 MS SCOLDING: Mr Perkins, can I now ask about your roles and 15 responsibilities in respect of matters which are not 16 centrally involved with the diocese but have some 17 responsibility -- you may have some responsibility over 18 it. 19 Firstly, the cathedral. You discuss your work in 20 respect of the cathedral chapter at paragraphs 41 to 42 21 of your statement. Bishop Martin also gave us some 22 evidence about some work that you had done with the 23 cathedral dean, the communal and the safeguarding 24 officer for the cathedral. What oversight do you have? 25 Because obviously we have -- just for everybody's</p> <p style="text-align: center;">Page 48</p>

<p>1 benefit, we had the case of Terence Banks and two other 2 cases which were involved in and around the cathedral 3 where there were some very, very serious incidents of 4 sexual abuse over a large number of years. 5 A. Yes. 6 Q. So what are you doing in order to ensure that there is 7 appropriate supervision of the cathedral, recognising of 8 course that the cathedral is a separate body? 9 A. Yes, it is, although in many ways the work with the 10 cathedral – my team works with the cathedral to some 11 extent like we work with every parish. It is, to some 12 extent, the largest parish church in the diocese. But 13 particularly because it is so important and has such 14 a strong ministry, I worked with the dean and the 15 communar – particularly the communar – every year 16 since my arrival to review their policy and their 17 procedures, and then, in the last 12 months, we now have 18 a formal service level agreement with the cathedral 19 where Morag Keane, who I should perhaps note, I think 20 someone described her as my assistant earlier this week, 21 she is the assistant diocesan safeguarding adviser, not 22 my assistant. 23 Q. She's the ASDA rather than an assistant to you? 24 A. She is. 25 Q. A slightly unfortunate acronym?</p> <p style="text-align: center;">Page 49</p>	<p>1 A. As all licensed clergy are required to do in the 2 diocese, they are required to do the training, so 3 I provide training to them. But they are employed and 4 they work within hospitals, prisons and so on and so 5 forth, which will have their own safeguarding structures 6 and policies. So I think, as part of their employment, 7 they are required to follow those policies. That's my 8 understanding. 9 Q. Do you think that the church should have any more powers 10 in respect of being able to regulate what goes on, 11 because at the moment they are part of your club, so to 12 speak, but they are not subject -- they are subject to 13 some of your rules, but they are also subject to 14 somebody else's rules as well. So, for example, an 15 example was given that somebody might be dismissed from 16 a chaplaincy in respect of sexual abuse allegations, but 17 that wouldn't necessarily be reported to you as the 18 diocese, because you are not the employer, you know, the 19 licence would need to be held. You would hope and 20 expect that would be the case but it wouldn't always be 21 the case? 22 A. I'm not sure, in terms of a chaplain who is employed 23 within an NHS trust, actually, whether we would want 24 them to have two sets of policies. I think it would be 25 better for them to adhere to their employer's policies.</p> <p style="text-align: center;">Page 51</p>
<p>1 A. ADSA, not ASDA, the other way around. 2 Q. That's my fault. 3 A. She is now formally, within that SLA, the cathedral 4 safeguarding officer. She has recruited a team within 5 the cathedral staff, but works with them very 6 extensively on training, case work and so on. 7 Q. Do you think you have enough powers to regulate 8 safeguarding within the context of the cathedral? Would 9 you like to be able to intervene more directly? 10 A. I think the powers exist within the duty to give due 11 regard. There is very clear House of Bishops 12 safeguarding policies and so on. So I think, whether or 13 not I -- the powers exist, as they do across the 14 Church of England now. That's been one of 15 the substantial changes. The cathedral, like every 16 other parish church in the diocese, is required to go 17 through Simple Quality Protects and make sure they have 18 all of those things in place as well. 19 Q. How about chaplaincies? To what extent are you 20 responsible, formally or otherwise, for safeguarding for 21 those individuals who are chaplains? 22 A. Chaplains across the diocese – someone else may give 23 better evidence, but they hold a licence. 24 Q. Yes. We have heard from Bishop Martin about the 25 licence.</p> <p style="text-align: center;">Page 50</p>	<p>1 Perhaps if I could give a specific example about that. 2 On some recent C2 training, a hospital chaplain with 3 regards to the specific point about confession that has 4 obviously been heard a lot about this week made the 5 point, "As an employee of the NHS Trust, I can't take 6 a confession in the way -- well, I cannot keep an 7 allegation heard under the seal of the confessional 8 confidential because that is a breach of my Trust's 9 policy". So I think that's an interesting point to 10 note. 11 Q. How about monastic orders? I think we do have some 12 monastic orders within the diocese. What, if anything, 13 do you have to do with them? 14 A. They are -- we have a very small number and they are 15 very small. 16 Q. Yes. 17 A. But, essentially -- there hasn't been much contact with 18 them, other than obviously any lay people within 19 those -- sorry, any ordained people within those again 20 need to be trained. It is something that we are going 21 to be looking at going forward in terms of just whether 22 or not we need to adapt SQP to the specifics of those 23 communities. I should say, they're very few and very 24 small, so it hasn't been a big focus up until now, but 25 it is something we will be looking at going forward.</p> <p style="text-align: center;">Page 52</p>

<p>1 Q. Can I now ask you about record keeping. I am going to 2 ask you about the blue files. Is there now an adequate 3 system of record keeping within the Diocese of 4 Chichester, and is there an adequate record keeping 5 system nationally, in terms of the national guidance, to 6 avoid the situations that we have spent the past two 7 weeks hearing about?</p> <p>8 A. In terms of the record keeping my team are responsible 9 for, we now have an online case management system, 10 a secure online case management system. The acronym is 11 CPOMS, child protection online management system. It is 12 primarily a system designed for a school context. It is 13 used very widely around the country. We have adapted it 14 for use in our context. And that is where any of our 15 case notes and any other material goes.</p> <p>16 They are cross-referenced to blue files. A lot of 17 the information that my team collated -- if you think 18 about ongoing police investigations, for instance -- 19 wouldn't be appropriate for those to be in the blue 20 files. But there is a note, a very clear note, put in 21 the blue files. If there is safeguarding information, 22 it is a flag, basically, to say, "This cleric, there is 23 other information which must be considered if any 24 decision is made about licensing, transfer to another 25 diocese, and so on and so forth". That information is</p> <p style="text-align: center;">Page 53</p>	<p>1 a personnel -- into a blue file.</p> <p>2 Q. You have just mentioned what used to be known as the 3 "safe to receive" letters, I think they are now called 4 the SSSL --</p> <p>5 A. Clergy current status letter.</p> <p>6 Q. Yes, clergy current status letter. We have obviously 7 heard of some examples in the past where there wasn't 8 adequate consultation with the diocesan safeguarding 9 adviser or there were problems with records coming into 10 the diocese for individuals about whom there were 11 serious allegations made. To what extent are you 12 consulted now when clergy are moving into or out of 13 the Chichester Diocese?</p> <p>14 A. Fairly regularly. By "fairly regularly" I mean I'm 15 consulted whenever -- or my team are consulted whenever 16 we need to be. It's just a lot of files don't have 17 information that would require us to be consulted.</p> <p>18 But before a decision is made perhaps to issue 19 a permission to officiate or a licence or to complete 20 a clergy current status letter, that would be flagged up 21 by Bishop Martin. I can think of a couple of times 22 where that's happened in the last three or four years. 23 One case the inquiry have asked me about, where PTO was 24 withheld after Bishop Martin had asked us to look at 25 a file, and another case where we actually made</p> <p style="text-align: center;">Page 55</p>
<p>1 held by the safeguarding team.</p> <p>2 Q. Do you have unrestricted access to the blue files?</p> <p>3 A. Yes, and I always have had.</p> <p>4 Q. Do other members of your team also have unrestricted 5 access to the blue files?</p> <p>6 A. Morag Keane does, yes. Neither Gemma Wordsworth nor 7 Helen Irving have really ever had a need for that, but, 8 yes, Morag does.</p> <p>9 Q. Do you think that the system of record keeping where you 10 have safeguarding files and blue files and they are kept 11 separately should be maintained or should there just be 12 one case management system?</p> <p>13 A. As I said earlier, I think there is substantial 14 information my team hold which I think it probably 15 wouldn't be appropriate to be in a blue file, actually. 16 So I think there needs to be an absolutely fail-safe 17 cross-referencing, so it should never be the case that 18 a bishop could pick up a blue file, complete a clergy 19 current status letter for someone who is looking to go 20 to another diocese and not know that my team holds 21 information. There should be cross-referencing. But 22 I think it would be inappropriate for, as I said, 23 information from a current police investigation -- 24 I think my police colleagues would probably be very 25 concerned to find that that information was going into</p> <p style="text-align: center;">Page 54</p>	<p>1 a referral to a LADO -- the person in question was 2 seeking permission to officiate in our diocese. He 3 didn't have it. Bishop Martin read the file, was 4 concerned, asked us to have a look. We recommended that 5 PTO was withheld but we were also aware he was working 6 in a school, and we flagged that up with the local LADO 7 and the various necessary actions were taken.</p> <p>8 Q. As far as PTO is concerned, we have obviously heard that 9 there have been some significant changes. Is there 10 anything you would like to say about any further changes 11 there are to dealing with or managing PTO for you from 12 a safeguarding perspective?</p> <p>13 A. Certainly the main changes -- all DBS checks are done 14 within my team now rather than the area offices, and no 15 licence or PTO is issued across the diocese without 16 a current and current suitable DBS check.</p> <p>17 We are now making that also dependent upon current 18 training as well, so that's -- you have to have both.</p> <p>19 I should say, and perhaps just for the inquiry to be 20 aware, we have a very large PTO population in 21 Chichester. That's already been talked about.</p> <p>22 Q. Yes.</p> <p>23 A. That ranges from perhaps a very recently retired priest 24 who is very active in a parish to, as an example, 25 someone who, when we insisted that all PTO clergy have</p> <p style="text-align: center;">Page 56</p>

<p>1 to have the C2 leadership training, someone who phoned 2 me up, who was in his late 80s, he said, "I've only got 3 PTO so that I can do funerals for my friends", so 4 I think we do have to be aware of, there is a very big 5 range. PTO encompasses a lot. 6 Q. Do you think, therefore, that there could be the 7 construction of different -- 8 A. I think there should be. 9 Q. -- sorts of licence? 10 A. Yes. 11 Q. So retired clergy who deputise in parish churches would 12 have the full shebang, so to speak, and retired clergy 13 who only wanted to officiate at their friends' funerals 14 had a more limited form of licence? I suppose the 15 question is, how do you regulate that and enforce that? 16 A. I think some of that is possibly beyond my area of 17 expertise, but purely from my own observations, I think 18 the phrase "permission to officiate" seems to encompass 19 a very broad range to me, and I personally think some 20 consideration could be given along the lines you 21 suggest. 22 Q. You now have the Bishops' Safeguarding Advisory Panel 23 rather than the Diocesan Safeguarding Advisory Group. 24 What is the difference between the two groups and do you 25 think that there's any difference in terms of the work</p> <p style="text-align: center;">Page 57</p>	<p>1 Chief Constable of Sussex Police, the head of 2 safeguarding of West Sussex County Council, the head of 3 adult safeguarding of East Sussex County Council, 4 a detective superintendent within the Public Protection 5 Branch, a domestic and sexual violence manager and the 6 executive director of nursing and quality from a local 7 NHS Trust, and somebody from the National Probation 8 Service? 9 A. Yes. 10 Q. So it is quite elevated, shall we say, in terms of they 11 are all quite senior individuals? 12 A. Perhaps as an example, Simple Quality Protects arose 13 from the first two or three meetings of that group. 14 Because what they asked us is, they essentially said, 15 "As senior managers within our organisations, we can 16 find management information about that nursery, that 17 school, that care home. Can you find that information 18 about that church or that church?". And at that point, 19 our answer was, no. One of the things we realised is -- 20 and we were very grateful for this -- when you recruit 21 people at that level, that's the kind of question they 22 ask, and Simple Quality Protects arose out of that 23 conversation. It was, I think, a very valuable outcome 24 of a strategic panel like that. 25 Q. The last point before I come on to questions that other</p> <p style="text-align: center;">Page 59</p>
<p>1 and advice that's given by those groups, by the group 2 now, than there was previously when it was the DSAG? 3 A. I think, perhaps, if I can describe the work of 4 the panel in the three years since it's been formed. So 5 it was formed, Bishop Martin wrote to all of the chief 6 officers or executives of the key statutory agencies 7 across Sussex, essentially asked them to nominate their 8 preferred person onto the newly forming panel. They 9 did, and each nomination was accepted. 10 I think in general terms, as I outlined in my 11 statement, it has always been a very clearly -- it's 12 always been populated by very senior people within the 13 statutory authorities. Bishop Martin was very clear 14 that he wanted the emphasis or the weight to be given 15 more towards the statutory authorities and less towards 16 diocesan staff. I think it was sort of a 50/50 split 17 before, but he was very clear that he wanted it to be 18 more clearly towards the statutory authorities, and 19 that's been maintained. 20 There is an appropriate emphasis on casework, but it 21 is primarily strategic -- strategic, scrutiny and 22 oversight, rather than a case management group, 23 essentially. 24 Q. Just to identify, the members of the group are set out 25 at paragraph 132, but fundamentally they are the former</p> <p style="text-align: center;">Page 58</p>	<p>1 people want me to put to you, at paragraphs 84 to 88 of 2 your witness statement, pages 30 to 31, chair and panel, 3 these are issues around what you do if allegations have 4 been made of child sexual abuse but there's been no 5 prosecutions and no convictions. 6 What is the current process that you follow in those 7 circumstances? Is it risk assessment? Is it based on 8 a risk register or risk assessment basis? 9 A. It is. So reinstatement post investigation is based on 10 an independent risk assessment by a suitably qualified 11 person. It now has to be from the risk assessor's list 12 held by the national safeguarding team. And that has to 13 be considered before any reinstatements. 14 Q. One of the difficulties you identify, however, is that, 15 if people come into the church, and, as I understand it, 16 often vocations happen to people who have already had 17 careers, so people are maybe coming into the church 18 later than they might have done 30 or 40 years ago, that 19 it can be challenging to identify, you know, what might 20 have gone on in their previous life, unless obviously 21 they were working in a statutory sector where there 22 would have been automatic referral to the Disclosure and 23 Barring Service? 24 A. Well, I give a hypothetical example of someone who was 25 a teacher --</p> <p style="text-align: center;">Page 60</p>

<p>1 Q. Paragraph 87, chair and panel, page 31. So perhaps you 2 would like to elaborate on that example.</p> <p>3 A. The example I give is someone who, prior to ordination, 4 was a teacher. This is hypothetical, although I have to 5 say it is very similar to a case I'm aware of from 6 elsewhere in the country, where, by -- at some point 7 during their ordination, they were investigated for an 8 allegation that arose from their teaching career. That 9 investigation doesn't result in a conviction, but the 10 advice within the strategy meeting is, a lot of 11 behaviour was observed that was very concerning, even 12 though it couldn't be proved to a criminal standard.</p> <p>13 As I outlined in that paragraph, there is no 14 possibility of a finding in the CDM of conduct 15 unbecoming, for instance, because the alleged conduct 16 happened pre ordination.</p> <p>17 If a risk assessment, as it would be, is 18 commissioned and concludes that person is a risk to 19 children -- I'm sure this is something you will be 20 asking the next witness -- what can be done at that 21 point under the CDM to me isn't clear.</p> <p>22 Q. One of the things that the inquiry may be interested in 23 is that it seems to me, as you identified yesterday in 24 respect of Wallace Benn, there are two issues: there is 25 the disciplinary issue and then there is the risk</p> <p style="text-align: center;">Page 61</p>	<p>1 A. Yes.</p> <p>2 Q. In a way, a number of the cases when you're looking at 3 retired clergy for whom there wouldn't be PTO, you might 4 sit there and say, "Is a disciplinary process necessary 5 and proportionate?". Maybe. I think it is very 6 important to recognise that just because somebody is 7 retired doesn't mean they should escape the appropriate 8 redress for their actions. However, there would be 9 a number of -- but you wouldn't ever want them to 10 present themselves within the church. So some kind of 11 risk management process or some kind of formality to 12 that?</p> <p>13 A. Yes, exactly that.</p> <p>14 Q. Now, I am asked to ask you some questions on behalf of 15 Mr Scorer, who is representing the victims and 16 survivors. He is at a firm called Slater & Gordon. At 17 the end of the evidence of Mr Roger Meekings, he 18 suggested three things. Firstly, that there should be 19 an independent safeguarding body to oversee safeguarding 20 in the church. Now, do you think that's a good idea or 21 not, and, if not, why not?</p> <p>22 A. I have provided the panel with a brief --</p> <p>23 Q. If I can just identify, we have an additional document, 24 which should be with the panel, it is not in the bundle: 25 "Thoughts regarding independence of safeguarding in the</p> <p style="text-align: center;">Page 63</p>
<p>1 management issue?</p> <p>2 A. Exactly that.</p> <p>3 Q. CDM deals with the disciplinary issue but it doesn't 4 deal with the risk management issue?</p> <p>5 A. Exactly that. In the subsequent paragraph, 88, 6 I outline the conversation I had with a local authority 7 HR safeguarding manager who described what they would do 8 in that context if it was a teacher, which is, 9 essentially, hold them as unavailable for work. "We 10 cannot safely put you back in the classroom because of 11 this risk assessment" and actually moved to dismissal on 12 the grounds of unavailability for work. Now, I'm not an 13 HR or employment law specialist, but that was their 14 recommendation.</p> <p>15 I'm not --</p> <p>16 Q. There are now capability procedures, as I understand it, 17 within the Church of England. It is not under -- 18 following common tenure. So it may be possible, but 19 have you had any experience of that?</p> <p>20 A. I have not had any experience. I think my -- it may be 21 that my understanding is limited on this one, but 22 I think some more clarity needs to be --</p> <p>23 Q. If there is a lacuna, that needs to be filled by some 24 kind of risk assessment or risk management with the 25 appropriate amendments, so that steps can be taken?</p> <p style="text-align: center;">Page 62</p>	<p>1 Church of England". It also has been, or will be about 2 to be, circulated to all core participants.</p> <p>3 What do you think should happen?</p> <p>4 A. Well, I note that the question is about an independent 5 body to oversee, and I think perhaps my response is 6 slightly more operational than that.</p> <p>7 My own evidence, and I accept that other DSAs may 8 give different evidence, but my own evidence is that, of 9 all of the obstacles I've faced in the last seven years, 10 and some of them have been huge, the fact that I am an 11 employee of the Chichester Diocesan Board of Finance has 12 never been an obstacle. In many of the obstacles 13 I faced in 2011 through to 2013, the problems with the 14 CDM, the lack of a duty to give due regard, the lack of 15 policy and practice guidance, are already in place and 16 they have grown from a very strong national safeguarding 17 team. I think some of those had to grow internally.</p> <p>18 My own view is that the question is not, should 19 everything become independent or should everything stay 20 within, but which bits of the safeguarding should be 21 independent and which bits should stay within.</p> <p>22 I have provided in that a list of suggestions for 23 consideration. I won't go through them. But that would 24 be my view. I understand it is obviously a very 25 important question.</p> <p style="text-align: center;">Page 64</p>

<p>1 Q. In effect, what you say is, victim response should be 2 independent; whistleblowing, there should be anonymous 3 reporting available; discipline, there should probably 4 be a national disciplinary panel rather than having the 5 bishop undertake the first stage or members of 6 the diocese; and a structured system of independent 7 audit; redress -- so having some kind of redress body 8 rather than civil claims; risk assessment by independent 9 personnel; and case review and having a sort of an 10 equivalent of serious case reviews for the church? 11 A. Yes, and I note that some of those are operational, and 12 some of those are about oversight. 13 Q. But what you say at paragraph 4 is: 14 "I would also ask the inquiry to consider what might 15 be lost." 16 This is for national safeguarding: 17 "I would be concerned at the possible unintended 18 consequences of communicating that safeguarding is 19 something that should be done to the church. I am 20 concerned this would not create the kind of active, 21 responsive and responsible communities that are likely 22 to be most protective to children and adults alike." 23 Why do you say that? 24 A. The research does show that active and responsive 25 communities are likely to be the most protective to</p> <p style="text-align: center;">Page 65</p>	<p>1 of view. But, generally, as a general point, that is 2 a very, very strong emphasis of our training. It is 3 a very strong emphasis of all of the guidance we put 4 out, including on the website, the new diocesan website, 5 which is available for anyone to see. 6 If someone -- I think perhaps that question goes 7 into a wider point about whether reporting should be 8 mandated. Certainly my view is that if people know of 9 abuse occurring or if people receive an allegation, they 10 should be mandated to report that. 11 I think -- I think a mandated reporting of 12 suspicious starts to become somewhat problematic. 13 That's a wider discretion. 14 Q. To use an example, the issue of, if somebody said to 15 you, "I have committed a sexual offence", it should be 16 mandatory for that to be reported. Do you think it 17 should be mandatory -- well, I mean, it would have to be 18 by way of a criminal law offence or a civil law offence, 19 in effect, but you don't say that in respect of 20 suspicions? 21 A. I think it just becomes very problematic. I actually 22 did my Masters thesis on this, so I'm struggling not to 23 get too in-depth into that question. 24 Q. Yes. 25 A. The Child Exploitation and Online Protection Centre</p> <p style="text-align: center;">Page 67</p>
<p>1 children and adults alike. That needs to be balanced 2 with independence and oversight. But I think it's about 3 balance. It's not about one or the other. 4 As I say in paragraph 1, by far the majority of 5 the Church of England's safeguarding work is done within 6 parishes, and therefore, by definition, will be done by 7 church people. I think the balance needs to be struck 8 to make sure that those people are equipped and expected 9 to be responsible. I think some of it needs to come 10 from within. 11 I have tried to develop the balance here. 12 I understand it is an ongoing conversation, but that's 13 why I say that. 14 Q. I'm also asked to ask you about whether or not there 15 needs to be a complete overhaul of CDM, which was 16 something else which Roger Meekings -- I think we may 17 well in fact have discussed that in the context of 18 the question I asked you previously. 19 Last, but by no means least, Mr Scorer asks: if 20 anybody in the church, clergy or laity, has knowledge or 21 suspicion of abuse but is reluctant to report it, how do 22 you ensure that they do? 23 A. If they're reluctant to report it, then if I'm aware of 24 it, they've already reported it, in that sense of -- so, 25 I mean, I can't know what I don't know from that point</p> <p style="text-align: center;">Page 66</p>	<p>1 a few years ago wrote a paper that did highlight those 2 three levels: known, alleged or suspected. And did 3 suggest that there could be some thought given to where 4 the mandated requirement should be put. I certainly 5 think the top two, known and alleged, there should be 6 a mandated requirement to report that. 7 If I may, I think it's just going to become -- 8 explaining why I'm not sure about suspicions is perhaps 9 just a very involved conversation, but I do have 10 concerns about that. 11 Q. Well, if it would be possible for you to briefly explain 12 those concerns, or do you not think it would be possible 13 to do so? Plainly, as you will know, this isn't 14 something that just comes in this investigation, it 15 happens across all our investigations, this is something 16 that we are asked about? 17 A. Yes, I understand that. I should perhaps make clear at 18 the start that questioning whether there should be, as 19 you said, a criminal offence with regards to that is -- 20 to question whether that should happen is absolutely not 21 to question whether reporting should have happened. 22 I think sometimes those two things can get conflated, 23 that if you are questioning a mandated reported law, you 24 are almost challenging the requirement to report, and 25 those two things are very different.</p> <p style="text-align: center;">Page 68</p>

<p>1 I'm not entirely sure what would be criminalised in 2 a mandated reporting of suspicions law. Would it really 3 be the failure to report or would it be the failure to 4 suspect? What would be criminalised? I understand 5 there could be a "reasonable person" test, but I think 6 it would be difficult to -- it could be difficult to 7 avoid criminalising the failure to suspect, and I just 8 wonder whether that's the right way to go. 9 That's a very, very distilled version of my Masters 10 thesis, but that's where I am. 11 MS SCOLDING: Thank you. I have no further questions. 12 A. Would it be -- sorry, would it be possible just to 13 clarify -- 14 Q. I'm so sorry, I know you did say first thing and then 15 I just launched off in another direction. I know you 16 did want to clarify something, Mr Perkins. I do 17 apologise. 18 A. Very, very briefly. My point earlier about whether or 19 not safeguarding teams should be recruited from any one 20 professional background, and I understand Dame Moira's 21 point about social work, I'm a probation officer so 22 I understand people could say, "Well, you would say 23 that, wouldn't you?". I should clarify, I'm not saying 24 that because I was a probation officer seven years ago, 25 I'm saying that because I've been a DSA ever since.</p> <p style="text-align: center;">Page 69</p>	<p>1 It also refers back to a question which my colleague 2 asked earlier, which perhaps it would be helpful to have 3 just a little bit more information about. 4 In the paper on the independence of safeguarding 5 that we have just been discussing, in paragraph 2, you 6 make the point that: 7 "I would be concerned if one aspect of safeguarding, 8 child sexual abuse by church officers, was to become the 9 organising principle around which all aspects were 10 rearranged." 11 Then you say -- because it hadn't stopped you doing 12 it. This goes back to the question of having more 13 clarity about how much of the work of the safeguarding 14 team is directed towards addressing child sexual abuse 15 by church officers as opposed to other forms of 16 activity. 17 Your answer to the previous question obviously 18 indicated, and understandably, that at certain points 19 you have been completely overwhelmed with work relating 20 to one aspect, but I think there is still a lack of 21 clarity about on the day-to-day, the ordinary grist of 22 work of such a team, what the relevant balance -- what 23 the balances actually are between the different 24 functions and support that you offer? 25 A. It is certainly decreasing, in terms of the proportion</p> <p style="text-align: center;">Page 71</p>
<p>1 I would just simply note that it should be actually 2 relatively straightforward to do an empirical assessment 3 of what safeguarding teams do around the country, and 4 then to match those tasks to the skill set required. It 5 should be possible to come up with a fairly rigorous 6 assessment of what skill sets are required, and my point 7 about not narrowing the workforce is more really 8 about -- well, it is partly about that, actually, but 9 it's also about, if there was going to be an ongoing 10 recommendation for what professional backgrounds should 11 be required, it should follow on from a structured 12 assessment. 13 Q. Of what the competences are? 14 A. And what the requirements are according to what we do 15 around the country. 16 I don't think that assessment has occurred yet, and 17 I think a premature recommendation, in the absence of 18 that assessment, would -- well, it would be premature, 19 in my view. 20 MS SCOLDING: Thank you very much, Mr Perkins. 21 THE CHAIR: Thank you, Mr Perkins. Sir Malcolm has 22 a question. 23 Questions by THE PANEL 24 PROF SIR MALCOLM EVANS: Thank you, and in a sense, I think 25 it builds on some of the points you were just making.</p> <p style="text-align: center;">Page 70</p>	<p>1 given to child sexual abuse by clergy, it's certainly 2 decreasing. It's certainly less than 50 per cent of our 3 workload and probably considerably less than that, 4 actually. Those 43 attendance agreements I mentioned, 5 I think one of them arises from child sexual abuse in 6 a church context. Most of them are registered sex 7 offenders who have perpetrated intrafamilial abuse or 8 indecent images of children, and so on. And a lot of 9 our advice -- I think that goes back to a question that 10 was asked of, I think, Bishop Mark a couple of days 11 ago -- is about parish personnel being concerned about 12 what they're observing with families in their churches 13 or in their communities, concerns around domestic abuse, 14 mental health, concerns about signs and symptoms of 15 other forms of abuse with the children in their 16 congregations, and they're asking us, "Should we refer 17 this? What should we do? Who should we speak to?" So 18 that is a lot of our work, actually, yes. 19 PROF SIR MALCOLM EVANS: Thank you. 20 THE CHAIR: Just one brief question, referring back to 21 something that arose yesterday. We were interested in 22 your reference to the use of mediation in certain 23 circumstances, and wondered whether this was widespread 24 throughout other dioceses, that such skill sets were 25 available for use in these rather difficult</p> <p style="text-align: center;">Page 72</p>

<p>1 circumstances?</p> <p>2 A. I'm not sure, in terms of other dioceses. It's</p> <p>3 a background -- some training I have from my work in</p> <p>4 probation, with gangs. So it became relevant in that</p> <p>5 particular context, although we didn't call it mediation</p> <p>6 in that context because then you can create the</p> <p>7 impression of conflict.</p> <p>8 THE CHAIR: Indeed.</p> <p>9 A. It was just a very useful structure to work through.</p> <p>10 THE CHAIR: Thank you. And I'd like to thank you on behalf</p> <p>11 of all of us here for your -- particularly thank you.</p> <p>12 We have found our evidence to be of assistance to us in</p> <p>13 a number of important areas, and you have given us much</p> <p>14 to think about. So thank you very much.</p> <p>15 (The witness withdrew)</p> <p>16 MS SCOLDING: I now pass over to Ms McNeill, who will take</p> <p>17 the evidence of Mr Iles.</p> <p>18 MS McNEILL: Chair, this witness is Mr Adrian Iles. Can the</p> <p>19 witness be sworn, please?</p> <p>20 MR ADRIAN ILES (sworn)</p> <p>21 Examination by MS MCNEILL</p> <p>22 MS McNEILL: Mr Iles, can I just confirm, you provided</p> <p>23 a witness statement to this inquiry, which is ACE025283.</p> <p>24 Can I confirm that you have had the opportunity to read</p> <p>25 that witness statement to confirm whether it is true, to</p> <p style="text-align: center;">Page 73</p>	<p>1 is what guidance and discipline has previously been</p> <p>2 available and what the challenge to that guidance has</p> <p>3 been.</p> <p>4 By way of your background, I understand that you are</p> <p>5 a full-time designated officer and you're also the</p> <p>6 Chancellor of Durham; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. You also sit as a deputy district judge --</p> <p>9 A. Yes.</p> <p>10 Q. -- in addition?</p> <p>11 A. That's right.</p> <p>12 Q. Is it right that the church produced its first set of</p> <p>13 guidelines for the professional conduct of clergy only</p> <p>14 in 2003?</p> <p>15 A. That's the first time there was a code produced, yes.</p> <p>16 Q. But prior to that, individuals had been subject to or</p> <p>17 had formal guidance from the synod and the House of</p> <p>18 Bishops, in more informal ways?</p> <p>19 A. Well, the 2003 guidelines were an effort to set out</p> <p>20 guidance for the clergy. Prior to that, as such,</p> <p>21 I don't think there was a single document which set out</p> <p>22 the standards to be expected. There was general</p> <p>23 canonical guidance -- for instance, Canon 26.2, I think</p> <p>24 it is, which sets out in very general detail the</p> <p>25 standards that clergy should aspire to. But I don't</p> <p style="text-align: center;">Page 75</p>
<p>1 the best of your knowledge and belief?</p> <p>2 A. Yes.</p> <p>3 Q. I understand that you would like, at the outset, to make</p> <p>4 a correction to one paragraph. It might well have been</p> <p>5 a typo. Paul, can we bring up, please, the witness's</p> <p>6 statement, ACE025283_048, and zoom in on paragraph 179,</p> <p>7 if we can, please, Paul. This reads:</p> <p>8 "Before the CDM came into force in 2006, there was</p> <p>9 no equivalent code of practice in relation to the 1963</p> <p>10 measure. With specific reference to the years 1997,</p> <p>11 1998 and 2001, any decision taken as to whether</p> <p>12 proceedings under the 1963 measure should be instituted</p> <p>13 for misconduct amounting to a crime would have had</p> <p>14 regard to the understanding at that time in respect of</p> <p>15 the civil standard of proof."</p> <p>16 I understand that that should actually read "the</p> <p>17 criminal standard of proof"?</p> <p>18 A. Criminal, yes, yes.</p> <p>19 Q. That correction is now made. Thank you.</p> <p>20 As with all of our witnesses, Mr Iles, I understand</p> <p>21 you're aware we won't take you through the entirety of</p> <p>22 your witness statement, which is a some 78-page detailed</p> <p>23 account of how the Clergy Discipline Measures</p> <p>24 predecessors and related documents have worked. What</p> <p>25 I will try to do is draw out key issues with you, which</p> <p style="text-align: center;">Page 74</p>	<p>1 think there was any particular document which set out in</p> <p>2 detail aspects on certain issues, so this was the first</p> <p>3 document, in 2003. That doesn't mean there weren't</p> <p>4 standards before that.</p> <p>5 Q. No, of course.</p> <p>6 A. It just means that they weren't produced and recorded in</p> <p>7 one document, an easy guide for the clergy.</p> <p>8 Q. Is it right that these guidelines identify that they are</p> <p>9 good practice, not a reasonable standard or a minimum</p> <p>10 standard, but they are the good practice?</p> <p>11 A. That was the intention, yes.</p> <p>12 Q. They were revised in 2015; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. The aims of the guidance, again, are, it says at</p> <p>15 paragraph 9 of your witness statement, to set out basic,</p> <p>16 minimum standards of behaviour. Does it now, having</p> <p>17 been basic, minimum standards of behaviour, attempt to</p> <p>18 set out something against which clergy behaviour can be</p> <p>19 judged?</p> <p>20 A. It's a useful reference tool, and certainly in cases</p> <p>21 before a disciplinary tribunal, I have relied upon it,</p> <p>22 certain aspects in there, which would be relevant to</p> <p>23 a particular case.</p> <p>24 Q. At paragraph 12 of your witness statement -- chair,</p> <p>25 that's at page 3 of the witness's statement -- you set</p> <p style="text-align: center;">Page 76</p>

<p>1 out in some detail aspects of those 2015 guidelines 2 which relate to safeguarding issues and positions of 3 trust. They are very detailed, so if you will forgive 4 me for summarising perhaps slightly less elegantly than 5 you have set out. 6 Essentially, any abuse by clergy will be reported to 7 the police by the church. 8 They should ensure that their parish is aware of 9 safeguarding and have undergone training. 10 They should be aware of their power dynamics and to 11 consider the way they may physically behave during 12 pastoral care and setting appropriate boundaries. 13 It sets out that the duty of clergy to raise 14 concerns -- there is a duty on clergy to raise concerns, 15 even if that would compromise professional or personal 16 loyalties, so as to develop a culture of openness. 17 They must have appropriate safeguarding training. 18 They should be clear that abuse must be reported to 19 statutory authorities, maintain accurate record keeping 20 of safeguarding concerns. 21 They must seek appropriate advice where the conduct 22 of colleagues appears inappropriate. 23 Communications with children should be appropriate 24 in tone. 25 That it is only under the seal of the confessional</p> <p style="text-align: center;">Page 77</p>	<p>1 trying to address the issues which had arisen in the 2 years that preceded them, are there any thoughts at the 3 moment to provide new guidance addressing any new issues 4 which have arisen in the last three years? 5 A. If there are, I don't know about them. 6 Q. Turning then, if we can, to clergy discipline 7 specifically, again, in terms of a slight whistlestop 8 tour, there was first the 1963 Ecclesiastical 9 Jurisdiction Measure. That was replaced in 2003 with 10 the Clergy Discipline Measure? 11 A. Well, the EJM wasn't the first legislation in terms of 12 disciplining clergy. There is much older legislation. 13 But the '63 measure is important because it's the one 14 that the Clergy Discipline Measure replaced. 15 Q. Thank you for the clarity. Of course, the 1963 measure 16 is the first one we have heard about in the context of 17 the cases we have discussed in these hearings? 18 A. Yes, the '63 measure still has some relevance inasmuch 19 as matters involving doctrine, ritual or ceremony are 20 still covered by the '63 measure. 21 Q. Then there was, as you say, the 2003 Clergy Discipline 22 Measure. There were some amendments to that in 2013, 23 I understand. Then finally, more recently, the 2016, 24 specifically, Safeguarding and Clergy Discipline Measure 25 was introduced; is that right?</p> <p style="text-align: center;">Page 79</p>
<p>1 that there cannot be confession; no sexual advantage can 2 be taken; and that if grounds for a crime are described, 3 there will be no confidentiality? 4 A. I'm not quite sure you've got the confessional point. 5 Q. Please correct me, because that is an important one. We 6 are looking at (n) of your witness statement, which is 7 page 5, I believe. 8 A. Yes, this sets out what the Canon law position is, so 9 where a penitent discloses in the context of 10 a confession that he or she has committed a crime, the 11 priest must require the penitent to report his or her 12 conduct to the police or other statutory authority and 13 withhold absolution if the penitent refuses. That's 14 what the guidance says. 15 Q. Indeed, it makes sure that the 2015 guidelines make it 16 clear that the canonical duty of absolute 17 confidentiality does not apply to anything said outside 18 the context of such a confession? 19 A. Yes, so a confidential discussion is not covered and 20 a priest would be able to report to the statutory 21 authorities anything that is said in a confidential 22 discussion outside a formal confession. If a crime were 23 disclosed to the priest, then the priest can inform the 24 relevant authorities, yes. 25 Q. Understanding that the 2015 guidelines were in some ways</p> <p style="text-align: center;">Page 78</p>	<p>1 A. Yes. The 2013 measure also made some amendments that 2 were relevant to safeguarding as well. 3 Q. You have set those out in full in your witness 4 statement? 5 A. Yes. 6 Q. Some basic facts in relation to the measures are that 7 they apply to everyone who is ordained, including those 8 who are retired and those who are abroad; is that right? 9 A. Including those who are abroad? Well, it applies to 10 Church of England clergy -- 11 Q. So those, for example, within the Diocese in Europe? 12 A. Oh, yes. If a priest committed misconduct and then 13 moved abroad, it would still cover that priest, yes. 14 Q. Can you help us, in relation to the 1963 measure, in 15 very brief terms, who could bring a complaint? 16 A. It was restricted. Someone had to be effectively 17 appointed by the bishop to bring a complaint or 18 a complaint could be brought by six members of 19 the electoral roll. 20 Q. Were there restrictions on what those complaints could 21 be about? 22 A. They could complain about anything if it was misconduct. 23 Q. So you could complain about anything which fell to the 24 standard of misconduct? 25 A. Yes. The word "misconduct" doesn't appear in the 1963</p> <p style="text-align: center;">Page 80</p>

<p>1 measure, but if there is effectively misconduct, then 2 a complaint could be made against the priest. 3 Q. You have dealt with the question about the standard of 4 proof. What was the standard of proof under the 1963 5 measure? 6 A. It was the criminal standard. 7 Q. In practice, how effectively do you consider that the 8 1963 measure dealt with disciplinary problems? 9 A. Well, there were only three cases that got to trial in 10 the whole of the time that the EJM was in force. So 11 from 1963 until the beginning of 2006 -- I think that 12 speaks for itself -- it didn't work. 13 Q. We have heard some evidence from individuals who are 14 dealing with cases within that period, who have said 15 they considered it unwieldy or were under the 16 apprehension that they couldn't use it in certain cases. 17 From your perspective, what were, as far as you can 18 tell, the main problems of the 1963 measure? 19 A. It was expensive. It was cumbersome. And it just 20 didn't work. 21 Q. A working party was set up to consider the measure, and 22 I think that was after 1992. What were the main 23 conclusions of that working party? 24 A. That the EJM didn't work and it needed to be 25 significantly revised and move away from what was really</p> <p style="text-align: center;">Page 81</p>	<p>1 have the final word because the complainant can seek 2 a review from the President of Tribunals, who is 3 independent, and the president can overrule the bishop's 4 dismissal. 5 Assuming the bishop decides the complaint should 6 continue, then the respondent is invited put in an 7 answer to the complaint. The bishop needs to make 8 a decision based on the answer and the complaint as to 9 what to do, and there are certain options the bishop 10 has. 11 The bishop could decide to take no further action, 12 but, again, if he or she does make that decision, then 13 the complainant has a right to seek a review of that 14 from the President of Tribunals -- 15 Q. I'm just going to assist you a little bit. Paul, if we 16 can please bring up on screen page 12 of the witness 17 statement and look at paragraph 34. Do you set out 18 there for us in quite neat terms the five courses of 19 action available to the bishop? 20 A. Yes, that's right. 21 Q. So we can see -- you have taken us through the first 22 one, "Take no further action"? 23 A. And then (b), (c) and (d) are all done and can only be 24 done with the consent of the respondent, and (c) also 25 with the consent effectively of the complainant as well.</p> <p style="text-align: center;">Page 83</p>
<p>1 a sort of criminal-type-based system, into a more modern 2 tribunal-based system based on balance of probabilities, 3 and that way complaints -- it would be easier for 4 a complaint to succeed. 5 One of the things also under the EJM was that the 6 chancellor sat with a panel of four, and they had to be 7 unanimous to the criminal standard, whereas, these days, 8 under the CDM there can be a majority decision and it's 9 on the balance of probabilities. 10 Q. Turning to briefly the process for the Clergy Discipline 11 Measure, can you explain to us a little bit about -- 12 again, I know it is in full detail in your witness 13 statement -- how the process works practically? 14 A. A complaint is made to the relevant bishop, the diocesan 15 bishop. The bishop, on receiving it, will pass it to 16 the diocesan registrar for what's called a preliminary 17 scrutiny report, and that's for advice on whether the 18 complaint is of sufficient substance to continue within 19 the process and also whether the complainant has 20 a proper interest, and then the bishop receiving that 21 report makes a decision and effectively it's, does he 22 need to hear from, or does she need to hear from, the 23 respondent, for the respondent to put in an answer, or 24 can the complaint be dismissed at that stage? 25 If the bishop does dismiss it, he doesn't actually</p> <p style="text-align: center;">Page 82</p>	<p>1 Then (e) is for an investigation, which is when it would 2 come to me. 3 So the bishop really -- in some ways, the bishop 4 doesn't have the final say, because if any decision for 5 the complaint to go no further is subject to review of 6 the president and any decision to impose a conditional 7 deferment or a penalty can only be done with the consent 8 of the respondent and with a penalty by consent, the 9 complainant has to be consulted and is entitled to make 10 written representations, and then, if it comes to me for 11 investigation, then effectively the bishop has almost 12 lost control of it. What happens thereafter is not -- 13 the bishop doesn't have an input and it's the president 14 that would decide if it goes before a tribunal, and then 15 the tribunal decides at the end of the trial whether or 16 not a complaint succeeds. 17 There is a process whereby a complaint can go back 18 to the bishop if the respondent, after it's referred to 19 a tribunal, then has a change of heart and admits the 20 misconduct. Then the bishop can, in those 21 circumstances, impose a penalty, because then it's by 22 consent. 23 Q. Again, that's covered in your witness statement. You 24 also set out in your witness statement that the CDM 25 provides a separate procedure under which a member of</p> <p style="text-align: center;">Page 84</p>

<p>1 clergy who is convicted of a criminal offence may be 2 liable to a penalty of removal from office or 3 prohibition from exercising any functions. 4 What I notice is that at footnote 3 you say the same 5 procedure applies if somebody has been divorced by 6 reason of adultery. Is that correct? 7 A. Not just adultery. This procedure under section 30 is 8 important in relation to safeguarding cases because, 9 where there has been a conviction, then the bishop can 10 take immediate action -- swift and immediate action -- 11 and remove the priest from office and prohibit. 12 There are similar powers in respect of matrimonial 13 behaviour. Where there's been a respondent -- where the 14 priest is respondent to a petition based on adultery, 15 unreasonable behaviour or desertion, then the bishop can 16 also remove from office without there being a formal 17 complaint having to be made. 18 Having said that, that particular power is not often 19 used because, these days, a lot of matrimonial cases are 20 decided without any trials, and often respondents will 21 let petitions go through without necessarily 22 acknowledging all the facts upon which the petition is 23 based. So bishops are aware of that and looking at the 24 figures, that particular aspect, in respect of 25 matrimonial breakdown, is not all that often used.</p> <p style="text-align: center;">Page 85</p>	<p>1 A. No, it is a different one, and it went to a tribunal and 2 misconduct was proved. That was failing to follow 3 safeguarding policies. So it was always possible to 4 make a complaint. The amendment now makes it that much 5 easier inasmuch as it's specifically a ground of 6 misconduct. 7 Q. Can we put up on screen, please, Paul, the document 8 WWS000049. Chair, I will just -- it is not in the index 9 for your bundle, chair, but it might well have been 10 popped in at the front, in front of tab 1, behind the 11 index, which it has been on mine. 12 Paul, can we have both pages of that document on the 13 screen at the same time so I can jump through them? 14 This is a letter that Mrs Hind said that she sent to 15 you in August 2006, as we can see, and to which she said 16 she didn't receive a response. Paul, can we zoom in on 17 the text of that, please, and also get page 2 ready. 18 What she says is, "I am retiring", essentially, at 19 the end of August in her role as the national 20 safeguarding adviser: 21 "I have put together some concerns that have been 22 expressed over the months about possible problems with 23 the Clergy Discipline Measure from the child and adult 24 protection perspective." 25 She said, in 2006, the Clergy Discipline Measure was</p> <p style="text-align: center;">Page 87</p>
<p>1 Q. Can we turn, if we can, to some critique that has been 2 made by others of the 2003 measure. One is that none of 3 the categories of misconduct under the 2003 Clergy 4 Discipline Measure expressly included a charge of acting 5 in breach of safeguarding duties. I understand that's 6 now been rectified with section 5 of the Safeguarding 7 and Clergy Discipline Measure; is that correct? 8 A. One of the grounds is, yes, failing to have due regard 9 to the House of Bishops safeguarding policies, yes. 10 Q. So it is a disciplinary offence to fail to have due 11 regard to the House of Bishops guidance on safeguarding 12 children? 13 A. It is a specific disciplinary matter. That doesn't mean 14 that previously a complaint could not have succeeded. 15 It would have been done on a different basis. So there 16 was a case that went to tribunal in which 17 a respondent -- the complaint was brought by the 18 diocesan safeguarding adviser, and it was that the 19 respondent hadn't followed safeguarding policy. 20 Q. So the case of Bishop Benn that we have already heard 21 about? 22 A. No, no. 23 Q. A different one. We don't need the individual's name 24 necessarily. I'm just checking we are not covering the 25 same ground.</p> <p style="text-align: center;">Page 86</p>	<p>1 in its infancy, or the use of it at least. One of 2 the concerns she raised is that out-of-time complaints 3 might be difficult because it is widely accepted by 4 those working with abused children and adults that the 5 victim may not speak about the abuse until years after 6 the event. This can be triggered, for example, by 7 having children of the same age. What she said is: 8 "It is important that the clergy discipline process 9 puts the protection of children and vulnerable adults 10 first, that is future victims, and takes proper account 11 of complaints of abuse however old they are." 12 Over the page -- 13 A. Do you want me to deal with things as we go through 14 them? 15 Q. No, I'm going to do it all in one go at the end. 16 A. All right. 17 Q. The second one is evidence: 18 "A person making a complaint about abuse is likely 19 to be put off by the request to provide supporting 20 evidence ..." 21 As we heard from Mr Perkins, in cases of child 22 sexual abuse, that can often be very difficult. She was 23 concerned that the Clergy Discipline Measure didn't 24 adequately look at patterns of incidents, where one 25 particular incident of itself might not trigger</p> <p style="text-align: center;">Page 88</p>

<p>1 discipline but the pattern should be looked at. The use 2 of risk assessments; people barred from working with 3 children or vulnerable adults; and child witnesses. 4 The first question is, Mrs Hind said she didn't 5 receive a response from you, or from anybody, to this 6 letter. Was any action taken in response to this 7 letter? 8 A. I can see that -- the letter is dated 28 August, and she 9 says she's retiring at the end of August. I suspect by 10 the time I got this she'd actually already retired. 11 At the end, she talks about my speaking to her 12 successor, Pearl Luxon. 13 Q. Yes. 14 A. This is 12 years ago. I honestly can't remember what 15 discussions I had with Pearl Luxon. I know I had the 16 letter, because I have checked, and I have saved it on 17 my computer at work. A lot of these -- well, most of 18 these things we have actually dealt with over time. 19 Q. Over -- 20 A. When she wrote it -- the trouble is, when she wrote 21 this, it was still very early. The measure had only 22 come into force on 1 January. We hadn't had a case yet 23 that had come through and gone the full distance to 24 a tribunal. 25 There will have been discussions about this, but I'm</p> <p style="text-align: center;">Page 89</p>	<p>1 the sort of difficulty that Mrs Hind flagged up in 2006? 2 A. Over time -- there were discussions about limitation 3 period, and, as you know, the law was changed so that 4 the limitation period was completely removed. But 5 I think the view at first was that what there was in the 6 measure and covered by the code of practice was 7 sufficient. 8 Q. The other one that I would like to dwell on a little bit 9 is evidence. So the concern raised by Mrs Hind had been 10 a person making a complaint about abuse is likely to be 11 put off by the request to provide supporting evidence as 12 in most cases this will not be available. What was done 13 to address that concern? 14 A. I think she's misunderstood here. If she means 15 corroborative evidence, there is no requirement for 16 there to be corroborative evidence. Any complaint 17 that's made necessarily has to be supported by evidence, 18 but the evidence of a complainant with nothing else is 19 still evidence and can be good evidence. So I think 20 she's misunderstood the position. 21 Q. The visitation to Chichester also made a number of other 22 comments and recommendations around CDM. I'm just going 23 to highlight some of their main concerns. One of which 24 was the problem with suspension. What they noted -- 25 Paul, if we can bring it back up, please, paragraph 6 of</p> <p style="text-align: center;">Page 91</p>
<p>1 afraid I can't remember them now. 2 Q. The reason I ask is, if we move forward in time, we know 3 that the Archepiscopal Visitation of Chichester produced 4 an interim report in 2012, and if we can pull up on 5 screen ACE022298_045, the very last sentence, 6 paragraph 7 -- again, in 2012 there was still a concern 7 raised about the effect of the limitation period under 8 the Clergy Discipline Measure 2003, particularly as it 9 relates to child sexual abuse. Was there any thought 10 between 2006 to 2012 given to the concerns raised about 11 time limitations? 12 A. What you need to realise is that, out-of-time complaints 13 could always be made in respect of child sex cases. 14 There is -- there was a 12-month limitation period, yes, 15 but there was always discretion for the president to 16 extend that period of time for any complaint that was 17 made out of time, and the practice guidance which was 18 produced by the Clergy Discipline Commission 19 specifically mentioned cases where there was abuse of 20 children as cases where the limitation period would be 21 extended. So it's always been possible to make 22 complaints out of time. 23 Q. But the decision wasn't made to put in a specific 24 exception so that it wasn't a discretion, but that child 25 sexual abuse cases were treated differently because of</p> <p style="text-align: center;">Page 90</p>	<p>1 ACE022298_045. At that time, a suspension could not be 2 imposed -- a compulsory suspension, sorry, was not in 3 place for any cleric immediately following a complaint 4 of abuse. Was any thought given to that at the time or 5 was that something that was dealt with following the 6 visitation? 7 A. There are different things here. When a complaint is 8 made, then the bishop has powers of suspension in any 9 case. The power of suspension arises once a complaint 10 has been made after the preliminary scrutiny stage. So 11 once the registrar has reported back to the bishop on 12 the nature of the complaint, is it of sufficient 13 substance and does the complainant have a proper 14 interest, then the bishop has power to suspend. 15 In urgent cases, the bishops will always have asked 16 the registrar to expedite the preliminary scrutiny 17 report. So as soon as a complaint comes in, in effect, 18 the bishop will have powers of suspension because she or 19 he will have asked the registrar to give the report 20 immediately. So there's always been that power of 21 suspension when a complaint has been made. 22 Q. Was there a power also of suspension during criminal 23 investigations or -- 24 A. There was always a power to suspend once there'd been an 25 arrest. Those were the initial two powers of</p> <p style="text-align: center;">Page 92</p>

<p>1 suspension: the first, if there was an arrest; and, 2 secondly, once a complaint was made and it had gone 3 through the preliminary scrutiny stage, the bishop had 4 powers of arrest. Since then, the powers have been 5 extended. 6 Q. So at the time, there couldn't be a suspension once 7 a complaint was made to the police, but no clergy 8 discipline complaint, unless there was an arrest? 9 A. Unless there was an arrest, yes. 10 Q. What's the situation now? 11 A. Now it's different. The bishop has a power to suspend 12 if the respondent presents as a significant risk of 13 harming children or vulnerable adults and the bishop can 14 act on information given to him by the police or the 15 local authority designated officer. 16 Q. Elizabeth Hall -- thank you, Paul, that can come down -- 17 was national safeguarding adviser for a period, and 18 certainly following the interim report of 19 the commissaries. She has raised some criticisms or 20 concerns, at least, about the Clergy Discipline Measure 21 in her witness statement from paragraphs 122 to 130. 22 I believe we have an extract of her witness statement 23 behind tab B1. Sorry, Paul, it's ANG000216_026. Paul, 24 if we go to paragraph 127 on page 27, she had some 25 concerns, first of all, about the process, in that they</p> <p style="text-align: center;">Page 93</p>	<p>1 be recorded in writing so that everyone is clear what 2 the complaint is. 3 Q. In relation to the questions she raised about the 4 standard of proof, have there been any changes made in 5 relation to that? 6 A. The standard of proof has always been on the balance of 7 probabilities. When the measure came in, the 8 understanding was that there was a flexible standard 9 because there was dicta from Lord Nicholls in a 1996 10 case and civil courts were following that, but since 11 then there's been a restatement by the House of Lords 12 that balance of probabilities means balance of 13 probabilities, so balance of probabilities means balance 14 of probabilities. 15 Q. What she said is, whilst it was formally the civil 16 standard, she felt as if in cases people were 17 approaching it as if it was a criminal trial. So, in 18 effect, people were applying, albeit not necessarily 19 expressly, the criminal standard. Could that be, as you 20 say, a result of the way that the law was set out at the 21 time, perhaps some confusion, or do you disagree 22 completely that -- 23 A. It's never been a criminal procedure, and she hasn't sat 24 in on a single tribunal hearing, so I don't know, 25 frankly, how she can say it always felt like criminal</p> <p style="text-align: center;">Page 95</p>
<p>1 had to be beyond a reasonable doubt, which you clarified 2 for us, and she was more used to dealing with civil law 3 matters. She also raised some concern about 4 specifically that the complainant had to swear in 5 writing rather than simply being allowed to put forward 6 their complaint. Can you explain for us how that 7 worked? 8 A. I don't know what she means by "swear in writing". All 9 complaints must be made in writing. At the end of 10 the complaint, there is a statement of truth which the 11 complainant must sign. 12 Q. So did that mean, effectively, somebody couldn't raise 13 a complaint about a member of clergy or a concern about 14 their approach to children unless they were willing to 15 provide a signed complaint form? So maybe not, like you 16 say, a signed witness statement, but they did have 17 a provide a signed complaint form? They couldn't just 18 raise a concern which of itself would trigger a CDM? 19 A. That person doesn't even need to be the complainant. 20 The archdeacon could make a complaint on that person's 21 behalf, so the archdeacon would do the writing in of 22 the form and producing the evidence, having listened to 23 the person who's making the complaint. But complaints 24 have to be in writing. You can't make them orally. 25 That system just wouldn't work. A complaint has got to</p> <p style="text-align: center;">Page 94</p>	<p>1 procedures. The tribunal hearings are not conducted 2 along criminal lines. 3 Q. She says, at paragraph 133 of her witness statement, 4 Paul, on page 28, that she was concerned about the need 5 for a meeting with the national CDM officer. So the 6 complainant had to attend a meeting with the national 7 CDM officer which was a one-to-one meeting: 8 "I do not think that even a supporter was allowed to 9 attend with the complainant. It was the CDM officer 10 (a man) who then judged the credibility of the complaint 11 based on the documentation from the diocese and this 12 single interview, and made recommendations (or possibly 13 even made decisions) about what should happen from that 14 point onwards." 15 She said she felt that that was bad practice on many 16 levels, particularly for sexual abuse cases. How would 17 you respond to that? 18 A. I imagine she means me, "the CDM officer", that can only 19 refer to me. 20 Q. Yes, I think she does. 21 A. If I did that, then, yes, it would be bad practice, but 22 that's not how it works. When I contact complainants or 23 witnesses who aren't the complainant but in effect they 24 are the complainant, I always suggest to them that they 25 should have someone present with them -- a friend,</p> <p style="text-align: center;">Page 96</p>

1 a supporter, relative -- and I always ask them where
 2 they would like to meet me, and often they will want to
 3 see me at their homes, and usually I do go to their
 4 homes. I will meet them wherever they want to meet me.
 5 The only complainants who will come to my office are
 6 archdeacons, who are quite familiar with Church House
 7 and, frankly, would rather come to Church House to see
 8 me than for me to go out to wherever they might be.
 9 So I don't see complainants, lay complainants, on
 10 their own. I wouldn't do that because, apart from
 11 anything else, I want to protect myself. I wouldn't
 12 want to be alone with one other person who I have not
 13 met before.
 14 Q. Is there any --
 15 A. And I am conscious that when I see these people I am,
 16 you know, a grey-suited lawyer from London and the one
 17 thing I want is for them to feel at home when they are
 18 talking to me, to feel comfortable, so that they can put
 19 their side over to me in the way that they want to. So
 20 that is my practice.
 21 Q. Do you have any background or training in safeguarding
 22 matters or in dealing with children or vulnerable adults
 23 to help you in that role?
 24 A. I have been to a number of safeguarding conferences and
 25 seminars with diocesan safeguarding officers, so I've

Page 97

1 been present when a lot of issues have been discussed.
 2 In terms of my professional practice, dealing with
 3 vulnerable adults, certainly, when I was in private
 4 practice and in the early days at the Bar, I would often
 5 represent applicants for injunctions for domestic
 6 violence and, as a deputy district judge, then these
 7 days I'm used to hearing applications and giving
 8 injunctions in cases of domestic violence.
 9 Q. Do you have or receive any training in dealing with
 10 vulnerable witnesses? For example, those who practice
 11 in the criminal courts receive special training in
 12 dealing with vulnerable witnesses so as to do so
 13 sensitively but also to elicit the best quality
 14 evidence. Given that you are discussing complainant's
 15 complaints with them, do you do, or do you think you
 16 would be assisted with, any training of that kind?
 17 A. The specific training I have had was with witnesses, in
 18 general, how to get the story out of a witness and very
 19 much a question of listening to them rather than
 20 cross-examining them.
 21 Q. But nothing specific on vulnerable witnesses?
 22 A. Nothing specific on vulnerable witnesses, no. But in
 23 terms of -- certainly, in terms of vulnerable witnesses,
 24 I realise that it is important to listen to them rather
 25 than for me to go in and start asking them questions.

Page 98

1 It's for them to tell me what they want to tell me.
 2 Q. The final thing and, again, it's -- she mentions this,
 3 of course -- you are a man, and not all of
 4 the complainants will be, and not all complainants will
 5 be comfortable meeting with a male. Is there
 6 a provision for somebody to meet with a female instead
 7 of yourself? Is that possible, or ...?
 8 A. If someone were uncomfortable with it, then -- and this
 9 has happened -- I would have somebody with me, such as
 10 a female diocesan safeguarding officer. That's
 11 perfectly possible.
 12 Q. But there's no means by which somebody who doesn't want
 13 to meet with a male at all -- and some might not,
 14 particularly some female complainants. Is it possible
 15 or is it feasible --
 16 A. No-one has yet said "I don't want to meet you".
 17 Usually, they are glad to meet me and tell me what their
 18 side is. If someone did say, "Well, actually, I don't
 19 want to talk to a man", I would make arrangements for
 20 somebody else to do it.
 21 Q. After these meetings is there a follow-up in terms of
 22 counselling or support?
 23 A. That's the responsibility of the bishop. He has
 24 a role/responsibility for pastoral care in respect of
 25 both complainants and respondents. That's done at

Page 99

1 diocesan level. It makes sense, because I'm in London,
 2 the complainant could be anywhere in the country. It
 3 must be done on a local basis and it's the bishop's
 4 responsibility. She or he will ensure that sufficient
 5 pastoral care and support is given. And the Clergy
 6 Discipline Commission often reminds bishops of their
 7 duty to ensure there is proper pastoral care and
 8 support. It's in the code of practice but they also get
 9 timely reminders.
 10 Q. Ms Hall also says she tried to raise this both with the
 11 Head of Legal office and the CDM offices directly. She
 12 said, "Both were very senior, experienced church lawyers
 13 but I was not able to convey to them the systematic
 14 nature of my concerns. In both discussions I was left
 15 feeling that it was viewed as a personal criticism of
 16 the officer rather than constructive feedback about the
 17 system". Is that a meeting you recall and is that
 18 a description you would accept?
 19 A. I have no recollection, I'm afraid, of such a meeting
 20 with her. I'm not saying it didn't happen. I just
 21 simply do not remember it. I don't remember any
 22 concerns. If, as a result of a meeting, she said, "I'm
 23 really not happy about that", I would have expected to
 24 remember if she said, "I'm really not happy about this".
 25 Q. One other question she raises, and I wonder if it is

Page 100

<p>1 something that has been considered, is whether or not 2 specialist safeguarding professionals should be part of 3 the CDM process in any way? Are they and should they? 4 A. One thing that I would quite welcome would be, if a case 5 gets to a tribunal, then it would be helpful to have 6 someone with safeguarding experience as one of 7 the tribunal members. 8 Q. What she specifically says is, somebody with 9 safeguarding experience would look at it -- particularly 10 a safeguarding case -- through a safeguarding lens, 11 would have experience in the context of sexual 12 offending, and would have knowledge of the appropriate 13 guidelines. Is that something -- 14 A. I think that sounds like it comes at an earlier stage. 15 Often -- talking specifically of child sex abuse cases, 16 the diocesan safeguarding adviser will be involved at an 17 early stage. The diocesan safeguarding officer will be 18 giving guidance and advice. That should be covered. 19 That's nothing to do with procedures under the CDM, it's 20 just something that can be put in place and is in place 21 in terms of practice. When complaints are made of 22 a safeguarding nature, the diocesan safeguarding adviser 23 will be involved. The extent to which they're involved 24 is very much in their hands. They will apply their own 25 experience and judgment and take what role they think</p> <p style="text-align: center;">Page 101</p>	<p>1 or deal with sexual offences as against children in 2 particular? Is that possible or do you think that would 3 be useful? 4 A. What you need to remember is that a lot of cases are 5 decided based on the criminal conviction. Child sex 6 cases, the bishop will make a decision based on the 7 conviction, taking into account, in terms of penalty, 8 whatever the sentence was, and generally it is going to 9 be prohibition for life, and the bishop will take advice 10 from -- anyway, he has to consult the president of 11 the tribunal. 12 So I think most complaints about child sexual abuse 13 are dealt with in that way. You don't need teams to 14 look at it. There is a short and simple way of dealing 15 with that particular type of case. 16 There are very few that come through by way of 17 normal complaint. There are better ways of dealing with 18 them. 19 Q. Is it right that one of the major changes that has 20 occurred is to designate the diocesan safeguarding 21 adviser as someone who has a proper interest in making 22 a complaint about misconduct? 23 A. The diocesan safeguarding adviser always had a proper 24 interest. The code of practice was amended, just to 25 spell it out.</p> <p style="text-align: center;">Page 103</p>
<p>1 they should take. 2 Q. But that is, as you say, at a different stage in the 3 process? 4 A. Well, that's at an early stage. 5 Q. Yes. In terms of -- 6 A. So that's in terms of helping to prepare a complaint. 7 Q. But at the deciding stage, which is more where you are, 8 or closer to, what about the involvement of safeguarding 9 professionals and experts at that stage? 10 A. Well, the decision as to whether it goes before 11 a tribunal is the decision of the president or the 12 deputy president. Both of them are very experienced 13 judges, both of them with Family Division background, 14 both of them with an enormous amount of experience in 15 safeguarding problems. They are the ones that make the 16 decision as to whether or not it goes to a tribunal. 17 I don't make the decision. 18 Q. A question that is raised, certainly in -- I understand 19 these are not criminal proceedings, but, for example, in 20 criminal matters, you have special sexual offences 21 officers, sexual offences units, sexual offences 22 prosecutors, and even judges with special sexual 23 offences training hearing them. Do you think perhaps 24 there could be, or should be, a specialist unit dealing 25 with disciplinary matters which are safeguarding related</p> <p style="text-align: center;">Page 102</p>	<p>1 Q. So you think that was always the case but perhaps not 2 everybody had appreciated that? 3 A. Yes, it's always been the case. 4 Q. Prior to the amendment, had you had many cases of 5 the diocesan safeguarding adviser bringing the 6 complaint? Do you think it was widely understood? 7 A. Diocesan safeguarding officers tend not to make the 8 complaint because they're involved in another role. 9 It's generally the archdeacon that will make the 10 complaint. I think the code has always said that 11 archdeacons have a proper interest. So I don't think 12 that's been -- that was actually a practical problem, 13 but the code was amended just to make sure anyway. 14 Q. The 2013 amendments we have mentioned -- and rather than 15 spend a lot of time on them, they are summarised or set 16 out in full at paragraphs 42 to 49 of your witness 17 statement. I just want to draw out, for the purposes of 18 the transcript, some of the key features. 19 The 2013 amendments enabled striking off where there 20 had been a conviction even where somebody was not 21 imprisoned; where somebody was included in a barred 22 list, they would be disqualified without the need for 23 further proceedings. And I understand, prior to this 24 point, inclusion on the barred list would not lead to 25 removal or discipline under CDM necessarily?</p> <p style="text-align: center;">Page 104</p>

<p>1 A. It had to be done the long way, yes.</p> <p>2 Q. Yes, and no longer does. But you say that the church</p> <p>3 did deal with a case whereby someone was removed after</p> <p>4 a tribunal when they were on the barred list, but that,</p> <p>5 if that person had been a curate, they might not</p> <p>6 necessarily have been able to. So that sort of lacuna</p> <p>7 has now been filled?</p> <p>8 A. It was a nice point of law. I'm glad I didn't have to</p> <p>9 argue it.</p> <p>10 Q. But that lacuna has now been filled?</p> <p>11 A. The lacuna has now been -- yes, it is not a problem now.</p> <p>12 Q. The code of practice has also changed, including to</p> <p>13 allow a certain degree of anonymity; is that right?</p> <p>14 A. The complainant must, if it gets past preliminary</p> <p>15 scrutiny stage, the name must be given to the</p> <p>16 respondent, but contact details are not given to the</p> <p>17 respondent.</p> <p>18 Q. As you say -- we have already touched on it -- it</p> <p>19 expressly says that if someone has been abused that</p> <p>20 might be a reason to extend time -- it did in 2013,</p> <p>21 sorry. It identified that CDM could be pursued even if</p> <p>22 someone had been acquitted. I think that was amended in</p> <p>23 light of the visitation. Is that right?</p> <p>24 A. Yes, I think that is right. I mean, it was always the</p> <p>25 position that a complaint could be made. What the code</p> <p style="text-align: center;">Page 105</p>	<p>1 thing to do. This has made it a lot easier.</p> <p>2 Q. The question is, why do you think -- and can you help</p> <p>3 us -- it was set out to have a due regard to the</p> <p>4 safeguarding policy as opposed to setting out</p> <p>5 a mandatory duty to follow the safeguarding policy?</p> <p>6 A. It's the policy. I assume you have read it, it is quite</p> <p>7 long, it covers an awful lot of areas, and it's not</p> <p>8 written in terms of sort of legislation. It wouldn't be</p> <p>9 feasible to say, "You must follow the policy", because</p> <p>10 a lot of it might not be applicable anyway to</p> <p>11 a particular respondent. This was the best way of</p> <p>12 doing -- having due regard to the policy.</p> <p>13 Q. Do you think "due regard", of itself, whilst lawyers</p> <p>14 might well be used to talking in terms of the phrase</p> <p>15 "due regard", do you think that "due regard" might</p> <p>16 create too much wiggle room in what is clearly such an</p> <p>17 important issue?</p> <p>18 A. Those who have to have due regard to it will know</p> <p>19 they're supposed to pay due regard to it. I mean, this</p> <p>20 is -- it's a duty imposed --</p> <p>21 Q. What "due regard" means --</p> <p>22 A. It is a duty imposed on specified people -- archdeacons,</p> <p>23 priests, church wardens, PCCs -- and they are specific</p> <p>24 office holders and guidance and instruction can be given</p> <p>25 to them about precisely what they need to do and what</p> <p style="text-align: center;">Page 107</p>
<p>1 of practice did was clarify specifically that</p> <p>2 a complaint could still be made, notwithstanding there</p> <p>3 had been an acquittal.</p> <p>4 Q. Do you think that prior to making that explicit, there</p> <p>5 had not been a sufficient understanding that people</p> <p>6 could bring complaints in those cases?</p> <p>7 A. Well, it was in the visitation report, so --</p> <p>8 Q. You would accept that?</p> <p>9 A. -- that was followed.</p> <p>10 Q. We understand also it is right that those amendments</p> <p>11 were debated and that MACSAS had an opportunity to</p> <p>12 contribute their thoughts; is that right?</p> <p>13 A. They were invited to each of the synodical sessions, the</p> <p>14 debates and, at the Revision Committee stage, they had</p> <p>15 representatives who made submissions, oral submissions,</p> <p>16 to the committee and also some written submissions.</p> <p>17 Q. Turning to safeguarding-specific amendments, you explain</p> <p>18 at paragraphs 75 to 79 of your witness statement -- we</p> <p>19 have touched on it again -- that prior to 2016, there</p> <p>20 was no legally enforceable general duty on office</p> <p>21 holders to have due regard to Church of England's</p> <p>22 safeguarding policies. That's right, isn't it?</p> <p>23 A. Yes. As I mentioned earlier, it was still possible to</p> <p>24 make a complaint if someone did not follow child</p> <p>25 protection policy, but it wasn't -- it wasn't an easy</p> <p style="text-align: center;">Page 106</p>	<p>1 "due regard" means, so I don't think that's a problem.</p> <p>2 Q. What has been done to ensure that this principle has</p> <p>3 enough legal bite, for want of a better word?</p> <p>4 A. One of the things in relation to the PCC, they have to</p> <p>5 now specifically mention in their report, annual report,</p> <p>6 that they have had due regard to the policies. In terms</p> <p>7 of -- and that covers also church wardens, obviously,</p> <p>8 because they are necessarily ex officio on PCCs. The</p> <p>9 other people covered by it are bishops, clergy,</p> <p>10 archdeacons. They have been given guidance that they</p> <p>11 must have due regard to it. They know there is teeth in</p> <p>12 it because they know that if they don't, then they are</p> <p>13 subject to disciplinary procedures under the CDM, and</p> <p>14 that's, for instance, set out expressly in the 2015</p> <p>15 guidelines on professional conduct. But it's expressed</p> <p>16 elsewhere. I mean, they know they have to have due</p> <p>17 regard to the House of Bishops policy. It really isn't</p> <p>18 an issue.</p> <p>19 Q. We have talked about limitation already, and the changes</p> <p>20 that have been made to limitations. In relation to</p> <p>21 suspension, is there the power now to suspend someone</p> <p>22 pending an application to make a complaint out of time?</p> <p>23 A. Yes, there is.</p> <p>24 Q. Does that now, do you believe, make it sufficiently</p> <p>25 clear that suspension is a wholly neutral act? Because</p> <p style="text-align: center;">Page 108</p>

1 we have heard from others that it wasn't exercised in
 2 some cases because it wasn't considered to be
 3 a sufficiently neutral act?
 4 **A. Well, notices of suspension do say that it is a neutral**
 5 **act. It doesn't mean that any judgment has been made.**
 6 **A respondent may not feel that it's a neutral act, but**
 7 **it is intended to be a neutral act. It's there to hold**
 8 **the ring, but it doesn't mean that any judgment has been**
 9 **made. If suspension is necessary, well, then, it's**
 10 **necessary, and -- but it is prefaced on there not having**
 11 **been a judgment as to whether or not a complaint will**
 12 **succeed.**
 13 MS McNEILL: Chair, I note it is 1.00 pm. I don't have very
 14 much left for this witness, but perhaps if we take lunch
 15 now, I will be able to trim it down even further,
 16 because I think he has answered most of my questions.
 17 THE CHAIR: Thank you, we will take the lunchbreak.
 18 2.00 pm.
 19 (1.00 pm)
 20 (The short adjournment)
 21 (2.00 pm)
 22 MS McNEILL: Chair, thank you. For the absence of doubt,
 23 Mr Iles, I, of course, took another look at your
 24 statement over lunch and I am confident it covers most
 25 of our areas. I want to pick up on three discrete

Page 109

1 points with you and then we have a rule 10 from one of
 2 our victims and survivors representatives, so I don't
 3 anticipate being much longer with you.
 4 The first is, you have set out the current status of
 5 CDM at paragraphs 105 to 133 of your witness statement.
 6 I'm not going to ask you the details, so you don't
 7 necessarily need to turn it up, but what they say is the
 8 bishop still retains some level of discretion at the
 9 second stage, for want of a better word. My question
 10 is, is there any monitoring that goes on to see how they
 11 are exercising that discretion or to ensure there is
 12 some sort of uniformity?
 13 For everybody else who doesn't have the benefit of
 14 your statement in front of them, the discretion is
 15 essentially whether they stop matters right there or
 16 take various different routes going forward?
 17 **A. Yes, the --**
 18 Q. Is there any monitoring going on?
 19 **A. In terms of the -- if they decide to impose a penalty,**
 20 **that can only be done by consent, and there's guidance**
 21 **from the Clergy Discipline Commission about penalties,**
 22 **the factors they have to take into account --**
 23 Q. But are you monitoring whether or not the guidance is
 24 being followed? That's really the question.
 25 **A. Well, for some penalties, certainly under the section 10**

Page 110

1 **procedure, the president has to be consulted before**
 2 **a penalty is imposed. That's not a penalty by consent,**
 3 **that's a penalty following a conviction in the criminal**
 4 **courts, and a penalty can't be imposed without**
 5 **consulting the president.**
 6 **In terms of monitoring, bishops are also encouraged**
 7 **to talk to one another if they are in any doubts about**
 8 **penalties that would be appropriate, and to consult and**
 9 **make sure that they're not out of step with their**
 10 **brother bishops.**
 11 Q. But there's no formal auditing or ...?
 12 **A. At the end of each year, dioceses are asked for**
 13 **complaints, a sort of return to be filled in, which will**
 14 **show the level -- the number of complaints in each**
 15 **diocese and how each penalty -- how each complaint was**
 16 **dealt with, and that's received by the Clergy Discipline**
 17 **Commission.**
 18 **In terms of any individual case, the commission**
 19 **doesn't look into particular cases to see if a penalty**
 20 **was appropriate, so to that extent, they're not**
 21 **monitored, no.**
 22 Q. What might be a related point, inverting my order,
 23 I apologise, is the rule 10 we have had from Mr Scorer
 24 of Slater & Gordon who represents some of the victims
 25 and survivors, who asks: do you keep a record of

Page 111

1 the number of CDM complaints made? I think I will
 2 narrow it to specifically relating to safeguarding
 3 matters. Is there a record kept annually or otherwise?
 4 **A. There isn't centrally. The commission has never been**
 5 **asked to keep such statistics. I can see that that**
 6 **might be a good idea in future --**
 7 Q. Do you think it would be useful to know how many
 8 complaints in relation to safeguarding are being
 9 brought, what diocese they are being brought --
 10 **A. That can be done --**
 11 Q. -- what the outcomes are being --
 12 **A. That can be done, but you would have to make enquiries**
 13 **of each individual diocese. There is nothing kept**
 14 **centrally. But each diocese will know the nature of the**
 15 **complaints and how they were dealt with.**
 16 Q. We can't get the figures here and now, but you think it
 17 is something that could be considered going forward; is
 18 that fair?
 19 **A. Yes.**
 20 Q. I know it's not necessarily your fault.
 21 **A. Yes, certainly. I am sure the national safeguarding**
 22 **team would have a better handle of the safeguarding**
 23 **complaints that are being made at diocesan level. Very**
 24 **few will come to me. Most complaints are dealt with at**
 25 **diocesan level, and I expect, yes, the NST will be in**

Page 112

<p>1 a better position to advise you about the level of 2 complaints at diocesan level. 3 Q. The next is not necessarily a question, I preface, but 4 more drawing out an important element of your evidence. 5 What you say is that it was only recently, in 2016, that 6 the code of practice identified that, where there had 7 been an acquittal, there would still be some 8 disciplinary proceedings. It is at paragraph 177 of 9 your statement. Because previously, where there had 10 been an acquittal, is it right that there would not be 11 a CDM or it would proceed on exactly the same lines as 12 the criminal case? 13 A. I think we touched on that this morning. 14 Q. Yes. 15 A. The code was amended to clarify that notwithstanding 16 a committal, it is still possible to bring a complaint. 17 Q. And -- 18 A. That doesn't mean that a complaint couldn't have been 19 brought before the code was clarified. It just points 20 out that it can be done. 21 Q. That might have been my misunderstanding this morning. 22 That's why I wanted to raise that paragraph of your 23 statement. 24 The final matter is one of, again, just 25 clarification for you. We understand that there had</p> <p style="text-align: center;">Page 113</p>	<p>1 in CDM to assist in dealing with safeguarding matters 2 specifically? 3 A. Well, I'm not a policy maker. 4 Q. No, no, but in your experience. 5 A. I'm only staff. In my experience, I think it's actually 6 worked quite well, and a lot of criticisms aimed at it 7 are based on, often, misunderstandings of the way the 8 measure can be made to work. That's my own experience. 9 MS McNEILL: Chair, that concludes all of my questions. Do 10 you or the panel have any questions for this witness? 11 THE CHAIR: No. We have no questions. Thank you very much, 12 Mr Iles. 13 MS McNEILL: Thank you, Mr Iles. 14 (The witness withdrew) 15 MS McNEILL: Chair, our next witness is Sir Roger Singleton. 16 Whilst the witnesses are being swapped over, I am going 17 to hand over to Ms Scolding. 18 THE CHAIR: Thank you, Ms McNeill. 19 MS SCOLDING: Chair, while Sir Roger is settling himself, 20 just to identify, we have had a chance to reflect again 21 on the timetable and consider it would be helpful to 22 update you and the panel and others at this stage. 23 There are a number of witnesses, whom you will have 24 seen on the timetable, whose statements we had proposed 25 to read, both last week and this, but, as you will</p> <p style="text-align: center;">Page 115</p>
<p>1 been a large consultation done in relation to CDM very 2 recently. I understand, is it right, that the 3 consultation has only just completed and the responses 4 are still being reviewed? 5 A. The responses have come in, and we are at a very early 6 stage of analysing the responses. 7 Q. Because the obvious question some might have from your 8 statement is, sort of, where's CDM going next, what 9 developments are in the pipeline? I think the answer to 10 that will be: we will know better once those responses 11 have been reviewed? 12 A. Yes, exactly. 13 Q. I think it was important to make that plain. 14 A. I think the important point is also that, since the CDM 15 came in, it has been amended quite significantly. The 16 Clergy Discipline Commission is always open to new ideas 17 and monitors generally the workings of the measure. 18 Amendments have been brought in and doubtless there will 19 be more in the future. As new things are identified, 20 the commission and the church is open to looking at 21 things again. 22 Q. I may well have said, "This is my last question", three 23 times, but this is my actual last one: do you have 24 a view, with your vast experience, as to whether there 25 is a significant development that you think should occur</p> <p style="text-align: center;">Page 114</p>	<p>1 notice, we haven't had the chance to do so. 2 We have looked at the timetable again for next week 3 and, again, we think that we are going to be short on 4 time. So for those reasons, we believe that the best 5 use of time is to hear the oral evidence of our live 6 witnesses as fully as possible, and so we propose, 7 chair, with your agreement, to read in full only the 8 following statements: firstly, to finish off the 9 statement of Baroness Butler-Sloss; secondly, to read in 10 full the first witness statement of Lord Carey of 11 Clifton, which is very short; thirdly, to read in full 12 the witness statement of Peter Ball; and, lastly, to 13 read in full the witness statement of AN-A17, who is 14 a victim and survivor who is unable to come and give 15 evidence before us. 16 It is anticipated that we may have time either on 17 Monday, the 19th or Tuesday, the 20th. But as we have 18 done so, so far, we intend to do so as and when some 19 space arises. For the remaining witnesses, we will 20 upload their witness statements to the website in full 21 and I will not read the URNs out now, but probably on 22 Monday morning at a convenient moment, because I don't 23 want to delay Sir Roger's evidence any more than 24 I already have. Thank you very much, chair and panel. 25</p> <p style="text-align: center;">Page 116</p>

<p>1 SIR ROGER SINGLETON (sworn) 2 Examination by MS SCOLDING 3 MS SCOLDING: Thank you very much. You are 4 Sir Roger Singleton; is that correct? 5 A. It is. 6 Q. I am to call you Sir Roger, for the purposes of this 7 afternoon; is that right? 8 A. If you wish, yes. 9 Q. Can I ask you to turn to your witness statement, which 10 is dated 21 December 2017. This is just for the record 11 and will be placed upon the website at an appropriate 12 moment, at ACE025937. Don't worry. You don't need to 13 worry about that, Sir Roger. As you have it in front of 14 you, have you had the opportunity to read it recently? 15 A. I have, yes. 16 Q. Is it true, to the best of your knowledge and belief? 17 A. With one modification, yes. 18 Q. I understand there were a couple of minor modifications. 19 Firstly, chair and panel, at paragraph 4 of Sir Roger's 20 witness statement, he now understands that 21 Donald Findlater was consulted during the drafting of 22 the House of Bishops protocol, albeit Mr Findlater has 23 no recollection of that. However, neither Mr Findlater 24 nor any other members of the IST had any involvement in 25 the conduct of the PCR in any dioceses. So that's two</p> <p style="text-align: center;">Page 117</p>	<p>1 statement. 2 Just a selection of your previous roles, chair and 3 panel. You were the chief executive of Barnardo's from 4 1984 to 2005; is that correct? 5 A. Yes. 6 Q. From 2007 to 2012, you chaired what was then called the 7 Independent Safeguarding Authority, now it's the 8 Disclosure and Barring Service, which was a Home Office 9 agency created specifically to decide who should be 10 statutorily barred from working with children and 11 vulnerable adults because of the risk they posed to 12 them. 13 You are currently a member of the Home Office 14 Independent Returns Panel and the social care route 15 chair of the Institute for Apprenticeship. Since 2016, 16 you have been the independent chair of the Diocese of 17 Chelmsford Safeguarding Advisory Group and also a member 18 of the Church of England's National Safeguarding Panel. 19 Is that correct? 20 A. Yes. 21 Q. First things, what is the National Safeguarding Panel 22 and what is your role upon it? 23 A. The National Safeguarding Panel I think is an advisory 24 body on the church. In my experience, it doesn't decide 25 anything. It comments on drafts of policies. It</p> <p style="text-align: center;">Page 119</p>
<p>1 acronyms in less than a sentence. That's the 2 independent safeguarding team and the PCR, past cases 3 review. Although, having sat on the Bishop of 4 Guildford's safeguarding panel for some years, 5 Mr Findlater was aware of the past cases review being 6 conducted in the Diocese of Guildford. 7 There is also an amendment to one of the exhibits. 8 The document date in the index should be -- this is 9 exhibit 5, ACE004812. The document's date in the index 10 should be 22 July 2009 and its contents are identical to 11 ACE004813, which is exhibit 6. 12 A few matters of housekeeping, Sir Roger. You 13 obviously have a bundle in front of you which has the 14 exhibits that we may be asking you to look at. They 15 will also come up on screen, if you need to see them. 16 Secondly, if you need a break at any time, please do 17 let me know. We are not confined to the breaks that we 18 usually take. 19 Thirdly, this isn't a test of memory. I know -- we 20 have read your witness statement which is very detailed, 21 but, plainly, you are permitted to refer to notes and to 22 refresh your memory if you need to do so. 23 Can I firstly deal with your background and 24 expertise in child protection and safeguarding, which 25 you set out at paragraph 1, page 1, of your witness</p> <p style="text-align: center;">Page 118</p>	<p>1 comments on the work programme of the national 2 safeguarding team. But it doesn't, for example, hold 3 the church to account in any way for any of its 4 safeguarding activities. 5 Q. Do you think it should have that power? 6 A. I'm increasingly thinking that it should, having been 7 a member for about four years. I'm increasingly 8 feeling, where is this going? What impact is the group 9 having? I would have thought that there was a valid 10 role for the panel to look, for example, at the 11 responses which the church is making to some of 12 the significant reviews and inquiries that have been 13 held, and to comment positively or negatively, as the 14 case may be. 15 Q. So at the moment, you are a purely advisory body, but 16 some form of enforcement -- or some form of critiquing, 17 some form of more extensive critiquing, would be 18 something that you feel the National Safeguarding Panel 19 could appropriately fulfil? 20 A. I do. 21 Q. I'm going to now ask you about, you have been leading -- 22 or you are part of the moderating process. I think that 23 might be more appropriate. Because there are other 24 individuals. Which is looking at the past cases review, 25 which I am going to call the PCR. I believe that's the</p> <p style="text-align: center;">Page 120</p>

<p>1 acronym that is used with it throughout the witness 2 statement. 3 A. It is. 4 Q. I just want to ask you a few questions about the work 5 that you have been doing moderating that process. But 6 it might be helpful, just to set a little bit of 7 context, for you to explain briefly what the past cases 8 review was. 9 A. Yes. There were a series in 2007 of high-profile cases 10 involving people who had been abused by the church. The 11 particular case of a Peter Halliday, a choirmaster, who 12 was allowed, as it were, to leave his role quietly with 13 nothing said, provided he kept away from children, which 14 he subsequently didn't, that hit the headlines, and 15 I think that the House of Bishops decided at that point 16 that it would be appropriate to conduct some form of 17 PCR. 18 Q. Can you just briefly explain -- and you set this out in 19 some detail at paragraphs 15 through to 29 of your 20 witness statement. So we have obviously got quite a lot 21 of detail, but how was it in fact done? What was the 22 process by which these past cases were reviewed? 23 A. The House of Bishops asked a working group to develop 24 a protocol for how the then 44 dioceses should conduct 25 their PCR, and, basically, this comprised of three</p> <p style="text-align: center;">Page 121</p>	<p>1 protocol was that the independent reviewer should be 2 someone suitably qualified and experienced who was 3 independent, ie, not employed by the diocese. The 4 qualification requirement was met in most, but not all, 5 cases. The independence requirement was met in most, 6 but not all, cases. 7 Those are the points of comment, really, that 8 related to that part of the process. One of the most 9 difficult aspects, I think, for the diocese at the time 10 was the file review, because the protocol assumed, first 11 of all, that files existed; that people knew where they 12 were; that they hadn't been weeded in pursuit of a data 13 protection policy; and that they actually surfaced. 14 Over 40,000 files were reviewed, but it is clear in 15 what has happened in the decade following the PCR that 16 further files have come to light. 17 So that was a second and quite significant weakness 18 in the process. 19 Q. I think, in your witness statement, at paragraphs 38 20 through to, really, 54, you set out in some detail, 21 firstly, the process you have just described and also 22 the fact that it may be the case that the most 23 significant difficulty was the fact that literally 24 I think people were finding files in garages and stores 25 and people were trying to find things, but -- I think</p> <p style="text-align: center;">Page 123</p>
<p>1 elements: the then diocesan safeguarding adviser was to 2 prepare for an independent reviewer -- and I will come 3 back to that in a moment. The DSA was to prepare for 4 the independent reviewer a list of all known cases of 5 concern or abuse. 6 That was to be handed over to the independent 7 reviewer, who would examine it, ask for background 8 information, and then pass on recommendations back to 9 the diocese about what action should be taken. That was 10 strand 1. 11 Strand 2 was that the bishop was to write to his 12 predecessors and former senior staff who might have 13 knowledge of cases which perhaps had either not been 14 recorded or not been recorded very fully. Some 900 15 letters were sent out, some 700 responses were received. 16 The third element was that the independent reviewer 17 was to review all the files of active clergy, those with 18 PTO, those who had retired but were believed to be 19 living in the diocese, lay employees, and to identify 20 any cases of concern which would then be added to the 21 known cases list. That was the process. 22 Q. From the work that you have undertaken sort of 23 moderating that process, did that process occur in all 24 the dioceses? 25 A. It was mixed. The requirement of the House of Bishops</p> <p style="text-align: center;">Page 122</p>	<p>1 Chichester gives us a very good example of this. There 2 were four or five different sources of filing, some of 3 which were viewed and some of which weren't viewed, and 4 Roger Meekings, who carried out the Diocese of 5 Chichester -- in fact, there were bits and pieces he 6 didn't find, not because he didn't look for them but 7 just because they weren't on the files he was given? 8 A. We saw good evidence that considerable efforts had been 9 made to locate files which were believed to exist but 10 couldn't be found. I think a second point of weakness 11 in relation to the files was that the protocol assumed 12 that files existed. In relation to readers, very often 13 they didn't, unless, "there was an issue". In relation 14 to PTO, it was also very, very variable from diocese to 15 diocese. 16 Q. What, whether or not there were any records at all? 17 A. Whether there were any records at all, and certainly, in 18 relation to those retired clergy who had had PTO over 19 many years, there was virtually nothing. 20 Q. The other issue that you raise is, it wasn't just 21 whether or not the files could be found, it was also the 22 information that was then on the files. I understand 23 that there were concerns about, you know, basic things, 24 like things weren't legible or there was very scant 25 information, or there wasn't in fact the information</p> <p style="text-align: center;">Page 124</p>

1 which has now subsequently come to light about the very
 2 difficulty. Would you like to comment upon that at all?
 3 **A. Well, everything you have said is true, and was**
 4 **extensively reported upon, adversely, by the independent**
 5 **reviewers. In fact, if there is a single recurring**
 6 **theme throughout their report, it's the state of**
 7 **the files.**
 8 **I think also from a particular safeguarding**
 9 **perspective -- there appeared to be a reluctance on the**
 10 **part of some of the people who had made the records to**
 11 **actually say what the issue was. You got all sorts of**
 12 **euphemistic phrases like "a lapse in the past" or**
 13 **"an unfortunate error of judgment". I believe**
 14 **Dame Moira Gibb found similar things in relation to her**
 15 **review.**
 16 **So having confidence in what -- about was actually**
 17 **recorded was a difficult issue for the independent**
 18 **reviewers.**
 19 **Q. One of the issues that a lot of individuals have raised,**
 20 **and one of the concerns they have had with the past**
 21 **cases review, is that, as you say, 40,000 files were**
 22 **reviewed, and I think -- I can't remember whether it was**
 23 **11 or 13, but ultimately, it said there were only**
 24 **13 cases which were causes for concern. Well, we have**
 25 **dealt with more than 13 cases here, of which the vast**

Page 125

1 majority predate the past cases review rather than
 2 postdate it in terms of when the allegations arose.
 3 How successful was it at communicating what the
 4 current problems were and what the past problems had
 5 been? I mean, I know I'm asking you to be quite broad
 6 brush, but we have a lot of detail in your witness
 7 statement. But I think just picking out those major
 8 themes.
 9 **A. I think when our final report is complete, one of**
 10 **the most stringent criticisms will be that what the**
 11 **church said publicly about the past cases review was --**
 12 **and I choose my words carefully -- under-evidenced.**
 13 **Please stop me if -- this is rather a tedious,**
 14 **technical point, but what the House of Bishops, perhaps**
 15 **knowingly or unknowingly, had agreed to was that they**
 16 **would report publicly only on new cases and, in relation**
 17 **to new cases, only those that related to very formal**
 18 **church action.**
 19 **The consequence of that, if I might just refer to my**
 20 **notes to make sure I give you absolutely accurate**
 21 **numbers, was that, of 18 dioceses who were asked to**
 22 **re-examine, as it were, their statistical review, the**
 23 **original statistical review, as submitted by the**
 24 **diocese, included 45 cases.**
 25 **By the time staff in Church House, Westminster, had**

Page 126

1 **interrogated that and applied the filters of known cases**
 2 **and cases which led to formal church action, the number**
 3 **had been reduced to five, and then it was subsequently**
 4 **further reduced, on re-examining the House of Bishops**
 5 **minute, to two. And if you look at the press notice, it**
 6 **was in fact 13, if my memory serves me correctly, 11 of**
 7 **which were dealt with via the statutory route and those**
 8 **two were the difference between the 13 and the 11.**
 9 **So I think if the church had been wanting really to**
 10 **give a fully honest -- there was nothing wrong -- there**
 11 **was nothing dishonest about what they said or wrong, but**
 12 **to give a full picture of the concerns which the past**
 13 **cases review had unearthed, then they would at least**
 14 **have added categories that said, "As a result of this,**
 15 **so many cases which were already known about, but in the**
 16 **view of the independent reviewer, and the diocese**
 17 **subsequently, had been inadequately dealt with", and**
 18 **certain cases in the Chichester Diocese would meet that**
 19 **criterion.**
 20 **Q. Well, yes, because, I mean, if one thinks about the**
 21 **Diocese of Chichester, the difficulty was that some of**
 22 **these cases were known but no formal action had been**
 23 **taken, and therefore they would not be counted for the**
 24 **statistical purposes.**
 25 **Are there any other glaring omissions, in terms of**

Page 127

1 what should have been looked at but wasn't? I'm
 2 thinking in particular there were certain -- for
 3 example, laity. I think a note went around saying
 4 something like, "Only the bell captain" -- are they
 5 called bell captains? Tower captains, that's it. "Only
 6 tower captains, who are the chief bell ringers, and only
 7 the head of choirs", so not ordinary choral members, for
 8 example?
 9 **A. No, I think a second serious shortcoming of the past**
 10 **cases review is that it excluded what we might call**
 11 **parish employees or de facto parish employees, such as**
 12 **a church organist or a verger who may be paid an**
 13 **honorarium.**
 14 **Now, the actual protocol itself was silent on that,**
 15 **but in a series of sort of frequently asked questions**
 16 **subsequently, it was clarified that parish employees**
 17 **were not included.**
 18 **In reality, if the diocesan safeguarding adviser**
 19 **knew about a parish employee who had behaved in**
 20 **a concerning way, the evidence is that they added it to**
 21 **the known cases list. But, of course, it's a classic**
 22 **case of, "We don't know what we don't know", and for the**
 23 **church -- to come around to your question about what the**
 24 **church said, for the church to actually say that all**
 25 **known cases had been identified and dealt with, when**

Page 128

<p>1 parish employees had not even been considered, was, 2 again, I think, unwise. 3 Q. Of course, that leads to the difficulty which I think 4 possibly still exists, which is, you may well have 5 individuals who work for parishes on a voluntary or an 6 honorarium basis and there won't necessarily be files 7 about them within the central diocese unless they're 8 recorded by the safeguarding team. Files are not 9 necessarily routinely kept about those sorts of 10 individuals. 11 I think we might come on later, when I am going to 12 ask you about recommendations in the future, as to 13 whether or not anything practical can be done to try to 14 solve that problem, because, in the very nature of 15 a voluntary institution which is largely lay, there is 16 a limit, I would imagine, practically, to how far one 17 could supervise or monitor those sorts of situations. 18 Can I also ask, there was some concern, or there has 19 been some concern, expressed that sexual offences which 20 had been decriminalised from the -- were excluded from 21 the review, and it is not entirely clear whether or not, 22 in fact, what that would have done would have been to 23 exclude the sort of 16 to 21 age group, when they would 24 in fact have been criminal offences when it was, before 25 1992, obviously 21 and, before 2002, obviously 18, and</p> <p style="text-align: center;">Page 129</p>	<p>1 the statistical returns, was there any other obvious 2 reason why the number of cases going in and then the 3 number of cases which eventually appeared diminished so 4 drastically or there was asked to be reconsideration of 5 those returns? 6 A. I'm not aware of any reason. I've been thoughtful about 7 this. Let me say two things which I know as matters of 8 fact: one is that neither I nor my two colleagues have 9 come across any piece of written data that would suggest 10 that there was a deliberate intent on the part of 11 the church to reduce the numbers so that they looked 12 less damaging. We have not come across anything that 13 was written to that effect. 14 The second point is that, when we were unable, 15 because she was unwell, to meet with Pearl Luxon, we did 16 meet with the then diocesan safeguarding adviser for 17 Oxford, who had been helping the national church -- 18 Q. That's Stephen Barber? 19 A. Stephen Barber, who had been helping the national church 20 with its analysis, and I put to him very much the 21 question, "Was there any attempt to make these figures 22 look less damaging?". 23 Q. Was there any massaging of the figures? 24 A. Was there any massaging. He was absolutely adamant that 25 there was not and that he would not have been a party to</p> <p style="text-align: center;">Page 131</p>
<p>1 there was also some concern about the fact that it said, 2 "Inappropriate behaviour not amounting to abuse, ie, 3 misjudgments by youth workers" were excluded. 4 Again, do you think that those were significant 5 problems or led to significant problems? 6 A. In relation to the first -- sorry, let me say, I can't 7 actually answer that question because I haven't seen any 8 evidence at all which would explain why the guidance 9 that went out about excluding those 16 to 21-year-old 10 cases, I don't know what the thinking was. 11 I have to say -- and I really would need to consult 12 with my two colleagues to be reliable on this -- that we 13 didn't see many cases of -- I'm sorry, I think I'm going 14 to stop there, because I think I'm getting too much into 15 the area of speculation, and I wouldn't -- if 16 challenged, I wouldn't be able to evidence it for you. 17 So I think my straight answer is: I don't know what the 18 impact of that instruction was. 19 Q. That's very helpful. Thank you very much. 20 You have already talked about the fact that various 21 dioceses were advised to reconsider their responses. 22 A. Yes. 23 Q. And that is mainly because they put in too many against 24 the criteria against which it was judged. Was there any 25 other reason, from you, obviously, having relooked at</p> <p style="text-align: center;">Page 130</p>	<p>1 it had he encountered it. So that is what I know. 2 Q. Just to identify, you set out in some detail -- because 3 we asked for an explanation of every single one of 4 the dioceses where it was asked. I don't think we need 5 to go through them. But it is set out in your witness 6 statement at paragraph 90 through to paragraph 119. 7 Just to be clear, if anybody is reading along at home or 8 wants to read along at home, just to be clear on that 9 point. 10 I think you have already identified that you don't 11 think that the published results accurately represent 12 the true scale of concerns. Having been in a situation 13 to look through them again, do they tell us anything 14 useful about either prevalence or patterns of abuse that 15 the inquiry should know about? 16 A. I don't think they tell us anything new. 17 Q. Right. 18 A. No, I don't think -- the distinctive thing about abuse 19 within the church, it has always seemed to me, is the 20 abuse of the sacred trust, and the well-known phrase, 21 "If you can't trust your doctor, your lawyer and your 22 priest, who can you trust?" I think that places 23 a greater onus on certainly members of the clergy to set 24 themselves a higher standard of behaviour than even 25 other professionals working with children.</p> <p style="text-align: center;">Page 132</p>

<p>1 But, no, I cannot say that I could divine anything 2 that is more distinctive in terms of the way adults went 3 about abusing children. 4 Q. Do you know why the narrative reports -- as I understand 5 it, statistical returns were produced, but narrative 6 reports were also written for every diocese. Do you 7 know or has anybody been able to explain to you, because 8 you weren't around at the time, has anybody explained to 9 you, for the purposes of giving evidence to the inquiry, 10 I expect, why those narrative reports weren't produced 11 either at a diocesan level or at a national level? You 12 set this out, if you need to, at paragraphs 132 to 137 13 of your witness statement, Sir Roger, page 32. 14 A. Thank you. Perhaps I should just explain: there was 15 some lack of clarity in the House of Bishops protocol 16 about just what reports should be produced, and the 17 advice is not always consistent. But if you boil it 18 down, I think each diocese was asked to produce -- and 19 when I say "diocese", I mean -- I think it was down to 20 something called the diocesan child protection 21 management group, which is a sort of -- I think 22 a predecessor -- 23 Q. It was the predecessor of the DSAG? 24 A. That's right, of which not all dioceses had them at that 25 point. But they were to produce a report which in</p> <p style="text-align: center;">Page 133</p>	<p>1 point the central church was very, very thinly resourced 2 to be able to carry out any sort of overseeing function. 3 Q. Yes, because I think Ms Luxon shared her time between 4 the Church of England and the Methodist Church and 5 I don't think was full time, in any event -- or 6 certainly was not full time in the Church of England? 7 A. And at the point where they were considering these 8 reports, I believe she was on the point of retirement 9 and had a period of sabbatical leave. 10 Q. Do you know what steps, if any, the national church took 11 to monitor the implementation of the recommendations? 12 In case you need to refresh your memory, you identify 13 that at paragraphs 142 through to 147 of your witness 14 statement, page 34 over to page 35. 15 A. I think -- and the schedules are, I think, included in 16 the bundle -- 17 Q. Yes, they are. 18 A. -- there was a certain amount of monitoring of progress, 19 and I draw a distinction between the monitoring of 20 progress and the qualitative nature of the work that was 21 actually being carried out. "Whereabouts are you on 22 submitting your statistical return?", and so on. 23 Then, after the so-called executive summary of what 24 had happened and the "Lessons Learned" document had been 25 produced, this was sent out to all dioceses</p> <p style="text-align: center;">Page 135</p>
<p>1 practice meant that the diocesan safeguarding adviser 2 wrote the report, which then went to the bishop, and the 3 bishop was then supposed to send it to Church House, 4 Westminster. 5 At the point where Stephen Barber composed a sort of 6 overview, only 11 of those reports had been received, 7 and I've looked at those 11 and, I have to say, they're 8 highly variable in their content, ranging from 9 135 pages, I think, down to a few sentences. 10 There was also the statistical report which they 11 were supposed to send in. 12 But I think, apart from -- the only evidence I have 13 seen, really, is two pieces of what the church centrally 14 did with those narrative reports. One was Barber's own 15 piece of work, together with Pearl Luxon, which produced 16 28 recommendations, but which seemed to get a bit of 17 a glum reaction from the church hierarchy. 18 The second was the report that came closest to 19 actually being published, in the sense that it was sent 20 to all dioceses in June 2010. But I am afraid I -- we 21 haven't been really terribly clear about why there 22 seemed to be a certain dog-in-the-manger attitude on the 23 part of some dioceses towards submitting their reports 24 or why in fact they weren't chased up more vigorously by 25 the central church, recognising, of course, that at that</p> <p style="text-align: center;">Page 134</p>	<p>1 in June 2010, together with a questionnaire, which asked 2 about progress, several questions. Some dioceses 3 responded to that with, "Yes, no, done already", others 4 sent substantial evidence of what they had done. 5 So there was that monitoring insofar as the 6 information was asked for. What we haven't seen is what 7 the central church actually then did with it. So that 8 was, I think, a serious attempt to try and check up on 9 the progress that dioceses had made. 10 The second point, which I think I referred to 11 a little later, is, when a decision was taken to conduct 12 or to advise dioceses to conduct a deceased clergy 13 review at the end of 2013, the opening paragraph of 14 the remit asked dioceses to first of all reflect on the 15 adequacy of the past cases review, and it suggested four 16 questions. 17 Q. This is at paragraph 143, chair and panel. You don't 18 need to go through them, Sir Roger, but just to identify 19 that those four questions are set out there. 20 A. They were there. I would simply then just make the 21 point that only a small minority of dioceses, when they 22 conducted the deceased clergy review, actually responded 23 to that. 24 They were often given out to independent reviewers, 25 but the independent reviewers do not appear to have been</p> <p style="text-align: center;">Page 136</p>

<p>1 asked to actually review the past cases review.</p> <p>2 Q. You identify that there was a series of recommendations</p> <p>3 which were made -- 28 in total. I think you say that</p> <p>4 most of them were actually to do with record keeping and</p> <p>5 file management, but also other matters, such as more</p> <p>6 robust DBS checks, checking DBS checks, those sorts of</p> <p>7 things. By and large, those "Lessons Learned", were</p> <p>8 those recommendations subsequently adopted by the</p> <p>9 church?</p> <p>10 A. I don't think they were in a formal sense. In fact, we</p> <p>11 have seen some emails that rather suggested that the</p> <p>12 28 recommendations proved to be a little overwhelming to</p> <p>13 the then senior staff of the church, and they were given</p> <p>14 a sort of status of indicators for upping our game or</p> <p>15 raising our game. I think the phrase "decoupling" from</p> <p>16 the past cases review was actually used.</p> <p>17 But having said that, if you then now</p> <p>18 retrospectively look at the 20-odd recommendations, and</p> <p>19 look at what the church has actually done, whether it</p> <p>20 did or didn't formally adopt it, most of those things</p> <p>21 have actually happened. Not all of them, but most of</p> <p>22 them have actually happened.</p> <p>23 Q. Which ones haven't happened, do you know, off the top of</p> <p>24 your head?</p> <p>25 A. I think the recommendations in relation to victims and</p> <p style="text-align: center;">Page 137</p>	<p>1 A. They had, with the NSPCC, with the Lucy Faithfull</p> <p>2 Foundation, and so on. So I think this was very</p> <p>3 genuinely motivated.</p> <p>4 I don't think anyone can diminish the fact that,</p> <p>5 whatever the problems about the precise numbers are,</p> <p>6 over 40,000 files were looked at, and, you know, it's</p> <p>7 a fraction of less than 1 per cent where cases have</p> <p>8 subsequently come to light.</p> <p>9 Now, the other side, of course, of that coin is,</p> <p>10 "But, look, if it only happened to one or two or three</p> <p>11 people, that's acute human suffering which hopefully</p> <p>12 wouldn't have occurred".</p> <p>13 So is there any point in going over the 40,000 files</p> <p>14 again? I think, on the basis of proportionality, no.</p> <p>15 I think the time and the money that would be spent on</p> <p>16 that could be far better redeployed in other ways in the</p> <p>17 safeguarding field.</p> <p>18 What we will be doing is asking -- and at the moment</p> <p>19 it is eight dioceses to repeat an updated and modified</p> <p>20 version of the past cases review.</p> <p>21 We will be asking -- at the moment it is four</p> <p>22 dioceses to do targeted parts of that, and the remainder</p> <p>23 are -- you know, we are still coming to a conclusion</p> <p>24 about.</p> <p>25 But a straightforward, "Pick it up in 2018 what was</p> <p style="text-align: center;">Page 139</p>
<p>1 survivors have received -- I won't say minimal</p> <p>2 attention, but minimal impact and affect, really.</p> <p>3 I think that's the one that leaps off the page for me.</p> <p>4 Q. You have obviously moderated, so you have -- again, we</p> <p>5 have got a lot of detailed evidence about what you have</p> <p>6 done. You have regone into these and I think you have</p> <p>7 said to some dioceses, or you may be about to say to</p> <p>8 some dioceses, "Go back and do them again". Do you</p> <p>9 think it would be a worthwhile exercise for the church</p> <p>10 to do another past cases review, this time without the</p> <p>11 difficulties that you have already identified, or do you</p> <p>12 think that moment has passed?</p> <p>13 A. Generally, I think that moment has passed. I have</p> <p>14 emphasised the shortcomings, but I think, to be fair to</p> <p>15 the church, at the time this was a well-motivated</p> <p>16 attempt to try and identify the number of people who had</p> <p>17 not been previously identified as having been abused.</p> <p>18 Yes, there were shortcomings, but the church I don't</p> <p>19 think had ever done anything like this before. It took</p> <p>20 advice from other organisations which it believed would</p> <p>21 be better informed --</p> <p>22 Q. Well, I think it consulted with the Catholic Church,</p> <p>23 didn't it?</p> <p>24 A. It did.</p> <p>25 Q. Who had undertaken a similar sort of process?</p> <p style="text-align: center;">Page 138</p>	<p>1 said in 2009", no, I don't think that that would be</p> <p>2 sensible, proportionate or, frankly, frightfully</p> <p>3 productive.</p> <p>4 Q. You say that it wouldn't be productive because the</p> <p>5 amount of money it would cost would be best spent on</p> <p>6 other matters. I'd like to now take you, if I may --</p> <p>7 although maybe just before I do so, I should say, you're</p> <p>8 currently finalising your piece of work to do with the</p> <p>9 past cases review, so we don't have it published. When</p> <p>10 and if it is published, we would very much like the</p> <p>11 inquiry to have a copy of that final document, and</p> <p>12 I believe you have undertaken to provide that to us.</p> <p>13 A. We have.</p> <p>14 Q. Thank you. Sir Roger, you have a vast amount of</p> <p>15 experience in respect of safeguarding. You are also an</p> <p>16 active member of your local church. I understand your</p> <p>17 wife was or is a parish safeguarding officer. Your</p> <p>18 daughter was or is a diocesan safeguarding adviser. So</p> <p>19 you've got, firstly, the perspective of a professional</p> <p>20 who has worked in child protection practically their</p> <p>21 entire life, but, secondly, you are also coming at it</p> <p>22 from a quasi-insider perspective, I suppose.</p> <p>23 What do you think the most significant issues</p> <p>24 currently facing the church of England are in respect of</p> <p>25 safeguarding?</p> <p style="text-align: center;">Page 140</p>

<p>1 A. In respect of safeguarding? I think, without doubt -- 2 and it is, I believe, agreed across all perspectives on 3 this matter, is the need to do further work on culture 4 change in the church. Perhaps I could perhaps list my 5 four or five points and then you can tell me whether you 6 wish me to elaborate on any of them. 7 I think the second biggest thing is really for the 8 church to roll up its metaphorical sleeves and really 9 come to grips with appropriate responses for victims and 10 survivors. 11 I think the third thing is that I personally would 12 like to see the church doing more in relation to 13 preventing children and vulnerable people being abused. 14 Much of the advice and guidance is about what to do 15 after it's happened. In fact, I sometimes think we 16 don't have that in balance. So I would like to see more 17 done on the preventative side. 18 I think a fourth area is, I think there are still 19 some priests and maybe laity who have a certain 20 interpretation of the notion of forgiveness, and that 21 that continues to be in danger of -- when I say "in 22 danger", I mean forgiving the abuser is more important 23 than responding to the needs of the abused and, I would 24 hope, sorting out this situation about the seal of 25 the confessional.</p> <p style="text-align: center;">Page 141</p>	<p>1 you might be able to say at the top, "Right, this is 2 what we are going to do", and everyone will be given 3 instructions to do it. Well, whatever else one may say 4 about the Church of England, it certainly isn't 5 a command and control structure. 6 So I think what you have to do is recognise there 7 isn't going to be one grand initiative that will solve 8 this almost overnight. What I believe needs to happen 9 is that each part of the church, whether it is a parish, 10 whether it is a cathedral, whether it is a theological 11 college, needs to say, "Where are we now and what 12 changes do we here need to put in place in order to 13 bring a positive and constructive attitude towards 14 safeguarding?", and then, "How are we going to do it?" 15 In my talk to the General Synod, I tried to give 16 just half a dozen practical, down-to-earth examples of 17 how it actually could be done, because I am concerned 18 that if all we do is talk about the need for cultural 19 change, we shall still be doing it in ten years' time. 20 We have actually got to break into that. 21 Q. So what are the practical things? Chair and panel, just 22 for your reference, we do have a copy of Sir Roger's 23 presentation to synod, which is in your bundle and is 24 also at ACE026165. I don't think we necessarily need to 25 get it up because I think you might be basically giving</p> <p style="text-align: center;">Page 143</p>
<p>1 Finally, I do think the recording quality and 2 standards has to be improved. I think it has improved. 3 The evidence of the SCIE reviews which are fairly 4 contemporary is that there's been some improvement. But 5 I think there's -- there are disappointingly adverse 6 comments about the contemporary quality. So I think 7 those are my points. 8 Q. We are speaking to Ms Carmi who wrote the overview 9 reports, but I think it would not be an unfair criticism 10 to say that, in practically every report for every 11 individual diocese, the quality of the record keeping is 12 adversely commented upon, in terms of -- even if not 13 necessarily from the current incumbent of the role, past 14 incumbents of the role, thus not having adequate quality 15 of records if issues were to arise. 16 Could I ask you, now that you have outlined your 17 five points, firstly, about cultural change. What do 18 you mean by that and what changes need to be made? 19 A. What I mean by it is bringing about changes in the way 20 the church, as an institution, and individuals within it 21 think, feel and act, particularly towards safeguarding. 22 I gave a sort of homily to the General Synod 23 about -- they gave me five minutes and I chose to speak 24 about culture change. 25 If the church were a command and control structure,</p> <p style="text-align: center;">Page 142</p>	<p>1 us a precis of it or in fact giving us an expanded 2 version of it. But, Paul, could you get that up, 3 ACE026165? It is behind tab D2, chair and panel. This 4 is your address to the chair and synod. 5 A. I wonder if we could roll forward a few paragraphs? 6 Q. Of course we can. Which paragraph would you like to 7 start with? 8 A. Until we have run forward, I'm sorry, I can't tell you. 9 Keep going. 10 Q. "So what do we mean by culture?" 11 A. No. 12 Q. "A second consistent theme?" 13 A. No, further on. 14 Q. "Practical examples?" 15 A. Paragraph 8, please. 16 Q. "Actions which might contribute towards culture change". 17 Thank you, Paul. 18 A. Here are some of the examples of what each of those 19 parts of the church could actually do in practice. 20 I believe that beefing up the articles of inquiry which 21 the archdeacon conducts annually would be a start. 22 I won't say it is the alpha and omega, but I think it 23 will be a start, so that, rather than becoming, as 24 I rather suspect it is sometimes, "Have you got 25 a policy? Have you got a notice up on the church</p> <p style="text-align: center;">Page 144</p>

1 porch?", tick, tick, that's the end of it. I mean, an
 2 interrogation into, "Have you had any issues? Have you
 3 had any problems this year? How are they being dealt
 4 with? Have you reported them to the diocesan
 5 safeguarding? Has the parochial church council had the
 6 opportunity to look at the online training?", I think
 7 the asking of the questions communicates to church
 8 wardens and to parish priests that this is important to
 9 the church. So that's the sort of practical thing that
 10 I think can happen.

11 As far as bishops are concerned, not letting those
 12 priests who refuse or simply don't turn up to training
 13 get away with it; being much more rigorous about
 14 questioning people for office in the church about their
 15 attitude towards safeguarding at the interview points.
 16 None of these will be knock-out changes, but over
 17 a period of time, I think they will build up into
 18 a process whereby attitudes and outlook do become
 19 modified.

20 Q. Our understanding on two of the points that you have
 21 raised is, firstly, now you have to do the training,
 22 and, as I understand it, if you don't do the training,
 23 then that, in and of itself, will be a disciplinary
 24 offence, but I suspect that it hasn't yet worked its way
 25 through the system, so that we're seeing whether or not

Page 145

1 in fact bishops are putting people forward to be
 2 disciplined, because there is a big difference between
 3 having it as a technical thing and then actually
 4 enforcing it.

5 A. There is. I mean, with something like safeguarding,
 6 which I – I like to see it almost in the same way that
 7 we used to look at equal opportunities, not something
 8 out there, but something that's integrated and part and
 9 parcel of the day-to-day life of the church. In that
 10 sense, you need people's hearts and minds, not "Mmm,
 11 mmm, mmm", because I have been told to by the bishop to
 12 go and --

13 Q. It's not a sort of somebody sitting at the back, a bit
 14 like a speed awareness course, where there are always at
 15 least four people who sit and harumph the whole day and
 16 say "It isn't fair"?

17 A. You sound as if you have been on a speed awareness
 18 course.

19 Q. Very many years ago. As far as ordinands' training is
 20 concerned, we know that there is some specification at
 21 the moment that individuals have to have integrity, but
 22 there is currently no specific question about attitudes
 23 and approaches to safeguarding in the context of
 24 interviews for ordinands. I think what a number of
 25 people have said to us is, both at the preordination,

Page 146

1 ordination and during the first years of practice, so to
 2 speak, there needs to be a much greater level of
 3 appraisal and peer review which should include attitudes
 4 towards safeguarding as a central focus. Do you have
 5 any views about that?

6 A. I think that's right. I would have thought within the
 7 context of training -- safeguarding has now -- ordinand
 8 training, safeguarding has now become such an important
 9 thing that it ought to have a fairly solid place in
 10 that. You know, there are attitudes around that sort of
 11 say, "Oh, we've got much more important things to do".
 12 Well, I think those need challenging where they occur.

13 Q. Secondly, the change in approach to victims and
 14 survivors, is what you say.

15 A. Yes.

16 Q. What do you mean by that and what changes need to take
 17 place?

18 A. I think the church generally recognises the need for
 19 a better response to victims and survivors, but so often
 20 it is a bit hamstrung as to how to do it. It may not
 21 always appreciate that -- in my experience, people who
 22 come forward to say they're abused may be looking for
 23 very, very different things, and I think there's
 24 a process of trying to work out and to be clear and to
 25 be sensitive with the person about what it is they are

Page 147

1 seeking. What do they think -- it may not work, but
 2 what do they think might help and satisfy them, and then
 3 being honest about whether that's possible for the
 4 church to provide it or another organisation.

5 I think the other bit -- this is now in the most
 6 recent guidance on managing allegations -- I do think
 7 it's important for a person who comes forward, for the
 8 church to ensure that it has an independent person, an
 9 independent source of support and addition to help them
 10 take on whatever part of the church is necessary.

11 I think in the allegations management guidance there
 12 is a role of support person, but I think that's
 13 a particularly important development.

14 I think the last thing I would say about victims and
 15 survivors is that I think the church should look outside
 16 itself a bit to other organisations that have had to
 17 deal over many years with people who have come forward,
 18 and do say they were abused -- I'm thinking of my own
 19 former organisation of Barnardo's, where we did have to
 20 have dedicated, skilled resources that really worked
 21 hard with -- to try to address the needs and the
 22 perceived needs of people who came and said they'd had
 23 a bad time in the 1930s, or whatever it is.

24 So, all in all, I think it's a much, much greater
 25 priority and it's a much bigger thrust and let's try and

Page 148

<p>1 learn from those parts of the church that appear to have 2 done it well. 3 Q. You talk about the fact that you don't think at the 4 moment that there is enough emphasis on prevention. 5 A. Yes. 6 Q. What in particular are you thinking about there? How do 7 you think the church could strengthen its prevention 8 work, other than potentially being able to spend more 9 time and having more resources to deal with it? 10 A. I think making sure that sound recruitment practices so 11 that unsuitable people – the chances of unsuitable 12 people entering work with children via the church is 13 reduced. I mean, I don't think one can ever say it's 14 going to be removed, but that it is reduced. 15 I think the emphasis which DSAs are rightly giving 16 to the management of known offenders already attending 17 church is right, and I very much want to see that 18 sustained. 19 But I do sometimes think that at parish level -- 20 I do go on really about the importance of parish level, 21 because it is there where children and young people get 22 hurt and offended against – then practical help about, 23 well, what are the rules in a church activity about 24 texting children, about using their email address. I'm 25 not saying don't do it, what are the protocols, what are</p> <p style="text-align: center;">Page 149</p>	<p>1 a focus on, "Watch out for ..." or "Don't do ... "; it's 2 in fact, "What is good and healthy about engagement with 3 adults?" 4 Q. You think that the church has a role, because some 5 people within the church would say, "Well, that's what 6 parents should do and that's what schools should do?" 7 A. Well, I'm thinking perhaps particularly – yes, and in 8 a sense they may be right, but that doesn't mean to say 9 that we don't have to do it, particularly within the 10 context of the services and the activities and the 11 facilities which we, as a church, are offering. 12 Q. How about the question of forgiveness? Is there 13 anything more you want to say? You mentioned the words 14 "seal of the confessional". We have had quite a bit of 15 discussion this week and differing views, shall we say, 16 about its appropriateness or otherwise. 17 Obviously it is not for me to ask whether or not 18 you're of the part of the church which engages within 19 the formal sacrament of confession. However, what's 20 your view about whether or not the seal of 21 the confessional should be broken if there are 22 allegations or if there are revelations about child 23 sexual abuse or any form of child abuse, to be honest 24 with you, within that context? 25 A. I believe it should be. It is as simple as that.</p> <p style="text-align: center;">Page 151</p>
<p>1 the rules? If there is going to be an overnight church 2 trip, what are the sleeping arrangements, what are the 3 bathing arrangements? Those practical things, are 4 there – are there, in fact, youngsters who seem to be 5 taken away by some individuals on their own? That sort 6 of general awareness, without frightening people off, 7 but making people, I think, a little bit more streetwise 8 in this sense. 9 Q. So it is kind of consciousness raising about what may be 10 called by childcare professionals as grooming? 11 A. Yes, indeed, and also a challenge to the often-heard 12 saying, "Well, of course that might happen there, but it 13 doesn't happen here. It couldn't happen here". 14 Q. How about using the church as a mechanism by which 15 children can become more aware of their safe engagement 16 with adults? 17 A. Well, yes, indeed. I think one of the most powerful 18 means of protection is children and young people 19 themselves knowing what good interaction, safe 20 interaction, with adults looks and feels like so that 21 they know what is wrong. 22 I don't think you need to start from scratch on 23 this. Some of the personal and social and health 24 education programmes that are extensively available in 25 schools have got much to commend them. So it's not</p> <p style="text-align: center;">Page 150</p>	<p>1 Q. That's from a very practical perspective? 2 A. It is from a practical point of view. I mean, I don't 3 come from that tradition myself. I don't know how 4 widespread the formal confession is. But I find the 5 church – some parts of the church and some individuals 6 in it dancing on the head of a pin when they talk about, 7 "Well, is it formal confessional or is it informal? Do 8 you give absolution or do you not give absolution?" 9 I don't know what the theological arguments are terribly 10 well, but it seems to me that if a person discloses that 11 they have been abused or that they have been an abuser, 12 then that is not information that should be retained 13 within a box. 14 Q. You say at paragraph 164 that swift cultural change 15 requires at least the following three elements: strong 16 leadership -- page 38 of your witness statement, 17 Sir Roger -- and in fact this is what you said at synod 18 as well: strong leadership, a positive attitude and the 19 solace of what's in it for you. 20 Can I ask, do you think from your insider and 21 outsider knowledge, that the church -- that we are 22 beginning to see signs of strong leadership within the 23 church in the context of safeguarding? 24 A. Yes. I think there are signs, and I would want to be 25 positive, I think, about the lead which diocesan bishops</p> <p style="text-align: center;">Page 152</p>

<p>1 are giving to this. Almost any safeguarding section of</p> <p>2 a diocesan website that you look at actually gives</p> <p>3 a very positive affirmation, and that is necessary and</p> <p>4 it's good. But -- there's always a "but" -- it's not</p> <p>5 sufficient.</p> <p>6 As I said earlier, I believe that leadership at</p> <p>7 parish level is a critical element, and there's far more</p> <p>8 to be done in terms of getting parish clergy, and I may</p> <p>9 say so, archdeacons and even some area bishops, on side</p> <p>10 in relation to the necessity for the church to address</p> <p>11 safeguarding very seriously.</p> <p>12 So the leadership is, I think, there. I think the</p> <p>13 positiveness is important. After all, it only needs an</p> <p>14 incumbent at a parochial church council meeting where</p> <p>15 the annual report on safeguarding is being presented to</p> <p>16 either cast his eyes up to heaven or to sort of say,</p> <p>17 "Oh, well, you know, we only have ten minutes left, but</p> <p>18 we'd better fit in this report". Those sorts of</p> <p>19 attitudes just won't help emphasise the importance.</p> <p>20 So a positive attitude.</p> <p>21 And the third point -- well, perhaps -- you know,</p> <p>22 emphasising what's in it for you. Actually, it's better</p> <p>23 to turn that into a negative, I find, and sort of say,</p> <p>24 "Look, if you have to face a serious child protection</p> <p>25 issue in your parish, you'd wish you'd taken more notice</p> <p style="text-align: center;">Page 153</p>	<p>1 and views on human sexuality.</p> <p>2 Q. Thank you very much. One of the things that, for</p> <p>3 example, Professor Julie Macfarlane, who gave evidence</p> <p>4 earlier in the week, and Anne Lawrence from MACSAS have</p> <p>5 given is the need for there to be some kind of external</p> <p>6 regulation. Obviously, there are a number of different</p> <p>7 models you could adopt. You could adopt maybe the</p> <p>8 Ofsted model where it inspects but it doesn't enforce;</p> <p>9 you could have an external inspection and enforcement</p> <p>10 model -- I suppose the Health and Safety Executive; or</p> <p>11 you could have a model where all safeguarding was</p> <p>12 conducted, inspected and enforced externally by some</p> <p>13 kind of national body or national agency. Do any of</p> <p>14 those models have any appeal, or do you think any of</p> <p>15 those models are required so that everyone can be clear</p> <p>16 that safeguarding is appropriately run and managed</p> <p>17 within the church?</p> <p>18 A. I mean, there clearly is, at present, quite a bit of</p> <p>19 suspicion about the church's capacity to manage</p> <p>20 safeguarding entirely, as it does at the present time,</p> <p>21 and I think public confidence in the church is an</p> <p>22 important factor to take into account.</p> <p>23 If I could take that third model that you</p> <p>24 identified, where, if I have understood you correctly,</p> <p>25 then everything from investigations to training to</p> <p style="text-align: center;">Page 155</p>
<p>1 of this before". So it's almost sparing yourself a lot</p> <p>2 of agony.</p> <p>3 MS SCOLDING: I have a couple more questions for you, but</p> <p>4 I note the time, chair and panel. I don't know whether</p> <p>5 this would be an appropriate moment to have a short</p> <p>6 break?</p> <p>7 THE CHAIR: Yes, Ms Scolding. We will return at 3.25 pm.</p> <p>8 MS SCOLDING: Sir Roger, just to identify, you are under</p> <p>9 oath, so please don't discuss the contents of your</p> <p>10 evidence with anyone.</p> <p>11 A. Thank you.</p> <p>12 (3.15 pm)</p> <p>13 (A short break)</p> <p>14 (3.28 pm)</p> <p>15 MS SCOLDING: Sir Roger, just before the break, you were</p> <p>16 talking about how useful it would be if the church could</p> <p>17 implement some sort of education about appropriate</p> <p>18 boundaries and appropriate relationships. Would any</p> <p>19 problems be caused by the church's, shall we say,</p> <p>20 somewhat conflicted attitude about human sexuality?</p> <p>21 Would that cause any problems in terms of implementing</p> <p>22 those sorts of programmes?</p> <p>23 A. I don't think it should do. There may be some people</p> <p>24 who think that it might. But I don't see -- in my view,</p> <p>25 there is no conflict between good safeguarding practice</p> <p style="text-align: center;">Page 154</p>	<p>1 support for survivors to settling compensation claims,</p> <p>2 and so on --</p> <p>3 Q. Yes.</p> <p>4 A. I find that difficult to square with a point I made</p> <p>5 earlier that I think the most important thing that the</p> <p>6 church needs to do to change is to address the issue of</p> <p>7 culture. Because I don't see how a completely external</p> <p>8 organisation could actually address the issue of</p> <p>9 culture. Cultural change, especially if you want</p> <p>10 people's hearts and minds, needs to be led on</p> <p>11 a day-to-day basis by the people who, you know, are</p> <p>12 involved with the church.</p> <p>13 So I have a bit of a -- well, more than a bit.</p> <p>14 I have a query about that.</p> <p>15 I think the other thing that I'm not clear about in</p> <p>16 that model that you outlined would be, what would be the</p> <p>17 status of the outcomes from the independent church?</p> <p>18 I mean, I can see that quite clearly for example in</p> <p>19 relation to compensation claims, but in relation to</p> <p>20 things like training and support for survivors, would</p> <p>21 they be mandated on bishops and diocesan boards of</p> <p>22 finance? Would they be advisory? I think those are the</p> <p>23 sorts of questions that need to be thought through</p> <p>24 before one goes for that model.</p> <p>25 Now, I have to say, I re-read last evening what I'd</p> <p style="text-align: center;">Page 156</p>

<p>1 said in -- particularly the final sentence of 2 paragraph 168 where I said: 3 "However, I do not believe there's a sustainable 4 argument for removing advice, guidance, training, risk 5 assessment and accountability from dioceses." 6 I think probably I would have been wise to have 7 reworded that to say something -- you know, "I haven't 8 yet been persuaded that there's a sustainable argument". 9 I have read what the Australian Commission have 10 said, and there seem to me to be some sound points 11 there. But to try and answer your question head-on, 12 I think there is a wholly justifiable case for serious 13 issues, allegations against people and complaints being 14 investigated externally to the church. I think that 15 would give greater public confidence. 16 Q. So having a sort of almost like a sort of ombudsman-type 17 service? 18 A. Possibly that sort of model. 19 In relation to what you might call the lower level 20 concerns, then there might be an arrangement whereby 21 perhaps a diocese itself did investigate that via the 22 DSA, but under some sort of monitoring or supervision by 23 an independent body. I think that is how -- it used to 24 be called the IPCC, the Police Complaints Commission, 25 they operate some of their less serious complaints.</p> <p style="text-align: center;">Page 157</p>	<p>1 Q. Another matter which a number of victim and survivor 2 groups have raised, and we have raised this with 3 practically everyone who has come to give evidence, is 4 the issue of mandatory reporting. I think the 5 suggestion as posited by MACSAS is there should be 6 a mandatory duty upon individuals to report matters up 7 to line, so to report -- there should be a mandatory 8 duty to report to the DSA, which would be the first 9 point of contact, and a mandatory duty for the DSA to 10 report to the LADO or the police. Now, I understand 11 that's both suspicions, allegations and admissions. 12 I know people have very strong views one way or another 13 as to whether or not that duty should or shouldn't be 14 put in place generally, but in the context of 15 the church, do you think it could work or do you think 16 it is necessary? 17 A. I think there is a case for greater clarity in parishes 18 about what should be reported to the DSA. 19 Q. That's something I think that's come out of a number of 20 the SCIE reviews, that parishes themselves and dioceses 21 themselves are sometimes saying, "We are not sure what 22 meets the threshold for reporting"? 23 A. I think that is one reason, that general lack of 24 assurance. 25 This isn't a very complimentary thing to say, but</p> <p style="text-align: center;">Page 159</p>
<p>1 Q. I think it depends upon what level and the nature of 2 the complaint as to whether or not it is investigated 3 in-house or investigated externally by the IPCC? 4 A. I believe so, yes. 5 Q. How about monitoring of the functions within the 6 diocese? Do you think there should be some kind of 7 external regulatory body which sets standards and which 8 goes in and inspects? Rather like -- I mean, I think 9 about the education sector, which is the sector I know 10 from my other professional life. They go in, but they 11 don't just -- they say, "This is what you're meant to 12 achieve", and then they inspect against it. So they 13 both construct the standards and inspect them? 14 A. I think I'd want to hear the argument between an agency 15 that inspected standards and an agency that set and 16 inspected standards, because I believe that standards 17 are more likely to be met if, in fact, they're developed 18 by people who have got to meet them rather than by 19 having them imposed externally. So I think it is a pros 20 and cons. I don't think it is difficult for the church 21 to actually set the standards by which it wishes to be 22 judged and assessed. I don't think that in a sense 23 compromises independence in any way unless they were 24 proposing a standard which was woefully below what would 25 generally be regarded as sensible and good practice.</p> <p style="text-align: center;">Page 158</p>	<p>1 I think there is sometimes occasionally in parishes 2 a bit of a reluctance to report because they sort of 3 think, "Oh, well, if we report it to the diocese, they 4 are going to involve the police, and there is going to 5 be a lot of fuss and commotion about it. Let's just 6 deal with it ourselves", whereas if you had articulated 7 what the threshold for reporting was, then I think that 8 would make it more difficult for people to adopt that 9 attitude. 10 Setting a threshold I think might be more 11 challenging than saying a threshold needs to be set. 12 I think I would need to think about whether it should be 13 at the level of suspicion, allegation or -- well, I'm 14 clear about it as far as -- 15 Q. Admission is concerned. 16 A. Yes. 17 Q. I don't think there is any problem with that. It is 18 what is a suspicion and what is an allegation -- 19 A. Indeed. 20 Q. -- and when one becomes the other, that I think 21 individuals who have come to give evidence to us have 22 identified is problematic or could be problematic in 23 practice. 24 A. Right. Well, I think it is worth the tussle of trying 25 to sort that out, because I think that would actually be</p> <p style="text-align: center;">Page 160</p>

<p>1 quite helpful all round.</p> <p>2 Q. What do you think about the Clergy Discipline Measure?</p> <p>3 Do you have any particular views about it? I know you</p> <p>4 say in your witness statement you know that it's been</p> <p>5 amended. Some of the witnesses who have given evidence</p> <p>6 to us have said, well, the difficulty is, it's just</p> <p>7 a disciplinary measure, it doesn't deal with risk</p> <p>8 assessment. So you may have a situation where it</p> <p>9 wouldn't be appropriate or necessary to implement</p> <p>10 disciplinary proceedings, but, on a risk assessment</p> <p>11 basis, it's not right that that individual continues in</p> <p>12 whatever role it is. But Clergy Discipline Measure,</p> <p>13 firstly, doesn't deal with that and, secondly, doesn't</p> <p>14 deal with the laity, really, it is only if you are</p> <p>15 ordained --</p> <p>16 A. No.</p> <p>17 Q. -- or a licensed lay reader, or something like that, if</p> <p>18 you have some sort of position.</p> <p>19 What do you think about constructing a new form of</p> <p>20 sort of safeguarding management based upon risk which</p> <p>21 would not be disciplinary but would be more based upon</p> <p>22 harm prevention?</p> <p>23 A. I mean, could I clarify, are you thinking that an option</p> <p>24 might be then that a member of the clergy could be</p> <p>25 required to undergo a risk assessment --</p> <p style="text-align: center;">Page 161</p>	<p>1 could be dismissed. But the difficulty is, if you can</p> <p>2 only dismiss someone on disciplinary grounds, and what</p> <p>3 they have done is not good practice but not</p> <p>4 a disciplinary offence, you are kind of stuck with it,</p> <p>5 aren't you?</p> <p>6 A. I'm afraid I'm asking you the question because I know</p> <p>7 little about the CDM and, having listened to the</p> <p>8 evidence of the distinguished previous witness, I didn't</p> <p>9 think I really wanted to know very much more about it.</p> <p>10 But as far as the -- are you actually saying, then,</p> <p>11 that we need a mechanism whereby a risk assessment can</p> <p>12 be mandated, say, by the diocesan bishop --</p> <p>13 Q. Yes.</p> <p>14 A. -- where they feel that for some reason the Clergy</p> <p>15 Discipline Measure is not --</p> <p>16 Q. Yes.</p> <p>17 A. I would have thought that that was -- again, knowing</p> <p>18 very little about it, but I would have thought that that</p> <p>19 was a reasonably sensible tool to have in the armoury,</p> <p>20 as it were, of options for dealing with people about</p> <p>21 whose behaviour you are concerned.</p> <p>22 MS SCOLDING: I don't think I have any further questions.</p> <p>23 I now pass over to the chair and panel. Thank you very</p> <p>24 much, Sir Roger.</p> <p>25 THE CHAIR: No, we have no questions. Thank you very much,</p> <p style="text-align: center;">Page 163</p>
<p>1 Q. Well, that's already in. The 2016 amendment requires</p> <p>2 somebody to undertake a risk assessment.</p> <p>3 A. Yes.</p> <p>4 Q. Obviously, if they don't undertake a risk assessment,</p> <p>5 that, in and of itself, would be a disciplinary matter.</p> <p>6 A. Right.</p> <p>7 Q. Really, this comes from the evidence that Colin Perkins</p> <p>8 gave about the Clergy Discipline Measure against</p> <p>9 Bishop Wallace Benn and Bishop Nicholas Reade. He said</p> <p>10 they instituted the Clergy Discipline Measure because</p> <p>11 that was the only thing that they could do, but they did</p> <p>12 it for two reasons: one was because they felt there had</p> <p>13 been a breach of various of the canons; but, secondly,</p> <p>14 and what Colin Perkins was clear about, much more</p> <p>15 importantly in his view, was the fact that he considered</p> <p>16 and the rest of the Diocesan Safeguarding Advisory Group</p> <p>17 considered, that Bishop Wallace didn't have the capacity</p> <p>18 to change and therefore was a risk?</p> <p>19 A. Oh, right, yes.</p> <p>20 Q. Which, in and of itself, wouldn't necessarily be</p> <p>21 a disciplinary offence?</p> <p>22 A. No.</p> <p>23 Q. In a way, there seems to be a bit of a lacuna in what</p> <p>24 the church can do. In other workplace settings, there</p> <p>25 are things which could be done. You know, somebody</p> <p style="text-align: center;">Page 162</p>	<p>1 Sir Roger.</p> <p>2 A. Thank you.</p> <p>3 (The witness withdrew)</p> <p>4 MS SCOLDING: Chair and panel, we don't have enough time to</p> <p>5 do any substantive reading, but there is a two-paragraph</p> <p>6 witness statement from Lord Carey. I pass over to</p> <p>7 Mr Tahzib, who is going to read it for you.</p> <p>8 Statement of LORD CAREY of CLIFTON (read)</p> <p>9 MR TAHZIB: Thank you, yes. Chair and panel, we are now</p> <p>10 going to hear the evidence of Lord Carey of Clifton.</p> <p>11 This statement is going to be read in full. It can be</p> <p>12 found behind tab I of your read witness bundle. The</p> <p>13 Relativity reference is WWS000137.</p> <p>14 Chair, we do ask that the full statement be placed</p> <p>15 upon the website.</p> <p>16 I turn now to the statement itself, which is</p> <p>17 endorsed at its conclusion with a statement of truth.</p> <p>18 It reads:</p> <p>19 "I, Lord Carey of Clifton, will say as follows:</p> <p>20 "I have been asked by the inquiry to provide them</p> <p>21 with a witness statement relating primarily to my</p> <p>22 involvement in events at the time of and following</p> <p>23 Peter Ball's arrest in December 1992, when I was</p> <p>24 Archbishop of Canterbury. For a variety of reasons, it</p> <p>25 has not yet been possible for me to complete my witness</p> <p style="text-align: center;">Page 164</p>

<p>1 statement on all of these topics, but I do understand 2 that the inquiry and other core participants and 3 witnesses need to know if I am able to give any evidence 4 as to difficulties within the Diocese of Chichester 5 relating to safeguarding and responding to child sexual 6 abuse. 7 "I retired as Archbishop of Canterbury in 2002. 8 I became Archbishop of Canterbury in 1991, at which time 9 there was no safeguarding or child protection training 10 available to clergy in the Church of England. I have no 11 present recollection of being made aware of difficulties 12 in the Diocese of Chichester relating to safeguarding 13 and responding to child sexual abuse while I was 14 Archbishop of Canterbury. It is, of course, quite 15 possible that the occasional piece of correspondence may 16 have gone to Lambeth Palace on this subject. I had 17 staff at Lambeth Palace to assist me with 18 correspondence, so if there were such matters, they may 19 or may not have reached me personally. If they did, 20 I cannot recall them. After several days of looking at 21 the Egress documents with which I have been provided by 22 the inquiry, in preparation for writing my witness 23 statement, I have seen no documents which suggest that 24 anyone complained to me about such matters during this 25 period, 1991 to 2002."</p> <p style="text-align: center;">Page 165</p>	<p>1 Examination by MS MCNEILL73 2 3 SIR ROGER SINGLETON (sworn)117 4 5 Examination by MS SCOLDING117 6 7 Statement of LORD CAREY of CLIFTON164 8 (read) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 167</p>
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<p>1 Chair, just before we conclude for today, it may be 2 helpful just to briefly set out the timetable for 3 Monday. We will begin by hearing from two individuals 4 who we refer to as AN-A8, followed by AN-A7. After 5 that, we will hear from Bishop David Walker, followed by 6 Graham Tilby. 7 Chair, may we be permitted to adjourn now and 8 recommence at 10.30 am on Monday? 9 THE CHAIR: Thank you very much. Yes, we will do that. 10 MR TAHZIB: Thank you. 11 (3.45 pm) 12 (The hearing was adjourned until 13 Monday, 19 March 2018 at 10.30 am) 14 15 16 I N D E X 17 18 MR COLIN PERKINS (continued)1 19 20 Cross-examination by MS SCOLDING1 21 22 Questions by THE PANEL70 23 24 MR ADRIAN ILES (sworn)73 25</p> <p style="text-align: center;">Page 166</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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A				
able 10:1 42:24 43:23 44:1 45:11 50:9 51:10 78:20 100:13 105:6 109:15 130:16 133:7 135:2 143:1 149:8 165:3	106:8 accepted 58:9 88:3 accepting 22:5 34:19 access 18:12 54:2,5 account 4:3 6:16,17 9:20,24 12:8,12 12:13 13:15 16:6 16:15 74:23 88:10 103:7 110:22 120:3 155:22	acting 86:4 action 25:12 31:5 44:8 83:11,19,22 85:10,10 89:6 122:9 126:18 127:2,22 actions 1:25 24:13 25:14 31:5 56:7 63:8 144:16 active 56:24 65:20 65:24 122:17 140:16 activities 120:4 151:10 activity 71:16 149:23 actual 114:23 128:14 acute 139:11 adamant 131:24 adapt 52:22 adapted 53:13 added 122:20 127:14 128:20 addition 75:10 148:9 additional 63:23 address 79:1 91:13 144:4 148:21 149:24 153:10 156:6,8 addressed 8:3 addressing 71:14 79:3 adequacy 136:15 adequate 30:24 53:2,4 55:8 142:14 adequately 88:24 adhere 51:25 adjourn 166:7 adjourned 166:12 adjournment 109:20 administrative	36:22 administrator 35:20 admired 15:16,16 15:17 26:25 27:1 admission 34:16,17 160:15 admissions 159:11 admits 84:19 adopt 137:20 155:7 155:7 160:8 adopted 137:8 adored 26:20 Adrian 73:18,20 166:24 ADSA 50:1 adult 59:3 87:23 adult-at-risk 46:5 adultery 85:6,7,14 adults 10:12 65:22 66:1 88:4,9 89:3 93:13 97:22 98:3 119:11 133:2 150:16,20 151:3 adults' 42:16 advantage 78:1 adverse 142:5 adversely 125:4 142:12 advice 29:2,20 30:15 31:12 40:24 42:5 58:1 61:10 72:9 77:21 82:17 101:18 103:9 133:17 138:20 141:14 157:4 advise 113:1 136:12 advised 12:17 130:21 adviser 35:9,24 36:3 37:4 40:18 49:21 55:9 86:18 87:20 93:17 101:16,22 103:21	103:23 104:5 122:1 128:18 131:16 134:1 140:18 advising 6:6 41:2 advisory 42:20 57:22,23 119:17 119:23 120:15 156:22 162:16 advocating 22:18 affect 138:2 affiliated 17:4 affirmation 153:3 afraid 90:1 100:19 134:20 163:6 afternoon 10:3 12:25 44:6,8 117:7 age 10:13 88:7 129:23 agencies 21:15 58:6 agency 119:9 155:13 158:14,15 ago 13:21 14:7 32:12 43:22 44:2 60:18 68:1 69:24 72:11 89:14 146:19 agony 154:2 agree 5:8 31:14 33:21 agreed 13:7 126:15 141:2 agreement 33:11 33:13,20 34:12,13 34:23 35:21 49:18 116:7 agreements 31:16 33:21,22 38:7 72:4 aground 13:11 14:5 aimed 115:6 aims 76:14 albeit 95:18 117:22 alike 65:22 66:1

<p>alive 27:10 30:7,14 allayed 6:2 allegation 6:21 18:15,23,25 52:7 61:8 67:9 160:13 160:18 allegations 12:4,18 13:1 17:4 18:18 18:19 19:4,19,25 20:8 21:10 25:10 51:16 55:11 60:3 126:2 148:6,11 151:22 157:13 159:11 alleged 61:15 68:2 68:5 allow 105:13 allowed 94:5 96:8 121:12 alluded 19:13 21:20 alpha 144:22 amended 103:24 104:13 105:22 113:15 114:15 161:5 amendment 87:4 104:4 118:7 162:1 amendments 62:25 79:22 80:1 104:14 104:19 106:10,17 114:18 amount 39:2 44:24 102:14 135:18 140:5,14 amounting 74:13 130:2 AN-A17 116:13 AN-A7 166:4 AN-A8 166:4 analysing 114:6 analysis 131:20 and/or 31:19 ANG000152_038 23:14</p>	<p>ANG000216_026 93:23 Anne 155:4 announcement 17:23 announcements 17:21 annual 108:5 153:15 annually 112:3 144:21 anonymity 105:13 anonymous 65:2 answer 30:18 35:11 46:25 59:19 71:17 82:23 83:7,8 114:9 130:7,17 157:11 answered 109:16 anticipate 110:3 anticipated 116:16 anybody 5:5 66:20 89:5 132:7 133:7 133:8 anyway 103:10 104:13 107:10 apart 97:10 134:12 apologise 15:5,7,11 34:20 69:17 111:23 apology 9:2 13:8,20 14:8 15:18 appeal 155:14 appear 80:25 136:25 149:1 appeared 125:9 131:3 appears 8:9 77:22 applicable 107:10 applicants 98:5 application 108:22 applications 98:7 applied 127:1 applies 80:9 85:5 apply 78:17 80:7</p>	<p>101:24 applying 95:18 appointed 80:17 appraisal 147:3 appreciate 147:21 appreciated 104:2 apprehension 81:16 Apprenticeship 119:15 approach 18:9 94:14 147:13 approaches 146:23 approaching 95:17 appropriate 45:16 48:8 49:7 53:19 54:15 58:20 62:25 63:7 77:12,17,21 77:23 101:12 111:8,20 117:11 120:23 121:16 141:9 154:5,17,18 161:9 appropriately 39:3 120:19 155:16 appropriateness 151:16 Archbishop 164:24 165:7,8,14 archdeacon 94:20 94:21 104:9 144:21 archdeacons 97:6 104:11 107:22 108:10 153:9 Archepiscopal 90:3 area 56:14 57:16 130:15 141:18 153:9 areas 73:13 107:7 109:25 argue 105:9 argued 24:22 argument 12:7 157:4,8 158:14</p>	<p>arguments 11:1 152:9 Argus 26:6 arisen 79:1,4 arises 72:5 92:9 116:19 armoury 163:19 arose 59:12,22 61:8 72:21 126:2 arrangement 157:20 arrangements 40:24 99:19 150:2 150:3 arranging 28:16 arrest 27:11,25 92:25 93:1,4,8,9 164:23 arrested 27:15,16 arrival 49:16 arrived 35:19 article 18:3,4,6,7,8 18:13 19:1 articles 144:20 articulate 15:25 26:13 articulated 160:6 ASDA 49:23 50:1 asked 5:21 13:23 30:11 45:14 46:18 55:23,24 56:4 58:7 59:14 63:14 66:14,18 68:16 71:2 72:10 92:15 92:19 111:12 112:5 121:23 126:21 128:15 131:4 132:3,4 133:18 136:1,6,14 137:1 164:20 asking 42:4 61:20 72:16 98:25 118:14 126:5 139:18,21 145:7 163:6</p>	<p>asks 66:19 111:25 aspect 3:5,7 71:7 71:20 85:24 aspects 1:14 9:6 13:24 71:9 76:2 76:22 77:1 123:9 aspire 75:25 assessed 158:22 assessing 10:8 assessment 11:14 12:1 60:7,8,10 61:17 62:11,24 65:8 70:2,6,12,16 70:18 157:5 161:8 161:10,25 162:2,4 163:11 assessments 89:2 assessor's 60:11 assist 46:24 83:15 115:1 165:17 assistance 46:20 73:12 assistant 49:20,21 49:22,23 assisted 98:16 associate 19:10 associated 14:20 assume 107:6 assumed 123:10 124:11 assuming 43:2 83:5 assumptions 8:12 assurance 159:24 attempt 76:17 131:21 136:8 138:16 attend 96:6,9 attendance 72:4 attendant 9:3 attending 149:16 attention 2:5,25 6:3 11:22 138:2 attitude 134:22 143:13 145:15 152:18 153:20</p>
---	---	--	--	--

105:12	118:24 133:20	108:7 114:20	clarification	161:2,12,24 162:8
changes 35:18	140:20 151:22,23	119:18,24 120:3	113:25	162:10 163:14
50:15 56:9,10,13	153:24 165:5,9,13	120:11 121:10	clarified 94:1	165:10
95:4 103:19	childcare 150:10	126:11,18,25	113:19 128:16	cleric 18:19,20
108:19 142:18,19	children 10:12	127:2,9 128:12,23	clarify 69:13,16,23	53:22 92:3
143:12 145:16	22:13 61:19 65:22	128:24,24 131:11	106:1 113:15	clericalism 40:2
147:16	66:1 72:8,15	131:17,19 132:19	161:23	Clifton 116:11
chaplain 51:22	77:23 86:12 88:4	134:3,13,17,25	clarity 62:22 71:13	164:8,10,19 167:7
52:2	88:7,9 89:3 90:20	135:1,4,4,6,10	71:21 79:15	close 6:3
chaplaincies 50:19	93:13 94:14 97:22	136:7 137:9,13,19	133:15 159:17	closely 40:15 46:15
chaplaincy 51:16	103:1 119:10	138:9,15,18,22	classic 128:21	46:16
chaplains 50:21,22	121:13 132:25	140:16,24 141:4,8	classroom 62:10	closer 102:8
chapter 48:20	133:3 141:13	141:12 142:20,25	clear 3:5 24:6	closest 134:18
character 11:10,13	149:12,21,24	143:4,9 144:19,25	29:12,13,19,20,21	club 51:11
24:16,21,25	150:15,18	145:5,7,9,14	32:16 35:2,3	co-authored 19:1
characterise 35:25	children's 41:6	146:9 147:18	50:11 53:20 58:13	coalface 47:2
charge 27:25 86:4	42:15	148:4,8,10,15	58:17 61:21 68:17	code 74:9 75:15
charges 21:13	Chinery 7:12	149:1,7,12,17,23	77:18 78:16 95:1	91:6 100:8 103:24
chased 134:24	choice 29:22 30:1	150:1,14 151:4,5	108:25 123:14	104:10,13 105:12
check 8:7 44:2	choirmaster 121:11	151:11,18 152:5,5	129:21 132:7,8	105:25 113:6,15
56:16 136:8	choirs 128:7	152:21,23 153:10	134:21 147:24	113:19
checked 89:16	choose 126:12	153:14 154:16	155:15 156:15	coin 139:9
checking 86:24	choral 128:7	155:17,21 156:6	160:14 162:14	Colin 1:3 162:7,14
137:6	chose 142:23	156:12,17 157:14	clearly 31:11 32:23	166:18
checklist 42:1	Christians 18:16	158:20 159:15	32:24,25 58:11,18	collated 53:17
checks 56:13 137:6	18:17	162:24 165:10	107:16 155:18	colleague 17:24
137:6	church 1:25 6:19	church's 6:9 21:25	156:18	71:1
Chelmsford 119:17	11:23 12:4,17	154:19 155:19	clergy 17:5 25:10	colleagues 8:4
Chichester 7:8	13:21 14:7,12	churches 43:17	25:11 39:21 51:1	14:21,21 47:18
17:21 19:21 20:4	15:20 16:19 20:7	57:11 72:12	54:18 55:5,6,12	48:2 54:24 77:22
25:17 35:12 47:16	20:14 21:9,17,21	circulated 64:2	55:20 56:25 57:11	130:12 131:8
53:4 55:13 56:21	23:23 24:2 25:16	circumstances 32:2	57:12 63:3 66:20	colleagues' 5:14
64:11 90:3 91:21	33:18,25 34:24	60:7 72:23 73:1	72:1 74:23 75:13	college 143:11
124:1,5 127:18,21	36:6 37:24 40:13	84:21	75:20,25 76:7,18	come 35:17 36:8
165:4,12	41:3,4,5,7 43:19	civil 20:11,25 27:17	77:6,13,14 79:6	59:25 60:15 66:9
chief 58:5 59:1	44:2,5,10 49:12	29:11,12,17 65:8	79:10,12,14,21,24	70:5 84:2 89:22
119:3 128:6	50:14,16 51:9	67:18 74:15 94:2	80:10 82:10 85:1	89:23 93:16 97:5
child 9:17 18:10	59:18,18 60:15,17	95:10,15	86:3,7 87:23,25	97:7 103:16
26:2 36:18 37:9	62:17 63:10,20	claim 8:25 9:2,16	88:8,23 90:8,18	112:24 114:5
37:14 38:5 46:4	64:1 65:10,19	10:6 20:11,18,24	93:7,20 94:13	116:14 118:15
53:11 60:4 67:25	66:5,7,20 71:8,15	20:25 21:4 22:25	100:5 108:9	122:2 123:16
71:8,14 72:1,5	72:6 75:12 77:7	23:2 27:18 29:11	110:21 111:16	125:1 128:23
87:23 88:21 89:3	80:10 97:6,7	32:4,13 34:14,20	114:16 122:17	129:11 131:9,12
90:9,13,24 101:15	100:12 105:2	claims 9:17 31:21	124:18 132:23	139:8 141:9
103:5,12 106:24	106:21 107:23	65:8 156:1,19	136:12,22 153:8	147:22 148:17

152:3 159:3,19 160:21 comes 12:21 14:16 24:17 68:14 84:10 92:17 101:14 148:7 162:7 comfortable 97:18 99:5 coming 6:19 40:23 45:8 55:9 60:17 139:23 140:21 command 142:25 143:5 commend 150:25 comment 4:7 9:9 13:24 14:15,24 28:10 29:14,18 120:13 123:7 125:2 commented 142:12 comments 6:24 91:22 119:25 120:1 142:6 commissaries 93:19 commission 2:9 90:18 100:6 110:21 111:17,18 112:4 114:16,20 157:9,24 commissioned 61:18 committal 113:16 committed 67:15 78:10 80:12 committee 106:14 106:16 common 62:18 commotion 160:5 communar 48:23 49:15,15 communicate 28:14 communicated 28:12	communicates 145:7 communicating 65:18 126:3 communication 22:8 Communications 77:23 communities 52:23 65:21,25 72:13 community 22:9 42:12 company 42:10 compassionate 13:9 34:6 46:11 compassionately 13:18 compensation 156:1,19 competences 70:13 competent 26:18 complain 80:22,23 complainant 10:21 12:6,6,7,12,15 82:19 83:1,13,25 84:9 91:18 92:13 94:4,11,19 96:6,9 96:23,24 100:2 105:14 complainant's 98:14 complainants 96:22 97:5,9,9 99:4,4,14,25 complained 165:24 complaint 80:15,17 80:18 81:2 82:4 82:14,18,24 83:5 83:7,8 84:5,16,17 85:17 86:14,17 87:4 88:18 90:16 91:10,16 92:3,7,9 92:12,17,21 93:2 93:7,8 94:6,10,13 94:15,17,20,23,25	95:2 96:10 102:6 103:17,22 104:6,8 104:10 105:25 106:2,24 108:22 109:11 111:15 113:16,18 158:2 complaints 80:20 82:3 88:2,11 90:12,22 94:9,23 98:15 101:21 103:12 106:6 111:13,14 112:1,8 112:15,23,24 113:2 157:13,24 157:25 complete 54:18 55:19 66:15 126:9 164:25 completed 1:10 114:3 completely 71:19 91:4 95:22 156:7 complex 14:3 complimentary 159:25 composed 134:5 comprised 121:25 compromise 77:15 compromises 158:23 compulsory 92:2 computer 89:17 concern 4:15 7:16 8:9 10:17 41:3 90:6 91:9,13 94:3 94:13,18 122:5,20 125:24 129:18,19 130:1 concerned 5:24 8:2 25:20 54:25 56:4 56:8 65:17,20 71:7 72:11 88:23 96:4 143:17 145:11 146:20 160:15 163:21	concerning 61:11 128:20 concerns 2:2 3:9,13 3:15 6:2,7 7:4,9 16:14 28:24 41:5 68:10,12 72:13,14 77:14,14,20 87:21 88:2 90:10 91:23 93:20,25 100:14 100:22 124:23 125:20 127:12 132:12 157:20 conclude 166:1 concludes 61:18 115:9 conclusion 14:1 24:18 28:22 139:23 164:17 conclusions 7:17 8:10,22,24 9:10 15:14 24:18 81:23 conditional 84:6 conditions 27:11 conduct 61:14,15 75:13 77:21 78:12 108:15 117:25 121:16,24 136:11 136:12 conducted 13:7 96:1 118:6 136:22 155:12 conducts 144:21 conferences 97:24 confession 52:3,6 78:1,10,18,22 151:19 152:4 confessional 52:7 77:25 78:4 141:25 151:14,21 152:7 confidence 125:16 155:21 157:15 confident 109:24 confidential 52:8 78:19,21 confidentiality	33:13,21 34:12 78:3,17 confined 118:17 confirm 73:22,24 73:25 conflated 27:25 68:22 conflict 73:7 154:25 conflicted 154:20 confusion 95:21 congregation 41:9 congregations 41:2 72:16 connected 40:15 cons 158:20 conscious 97:15 consciousness 150:9 consent 83:24,25 84:7,8,22 110:20 111:2 consequence 126:19 consequences 65:18 consider 3:6 8:22 65:14 77:11 81:7 81:21 115:21 considerable 124:8 considerably 72:3 consideration 23:22 27:17 57:20 64:23 considered 31:19 31:20 32:9,14 53:23 60:13 81:15 101:1 109:2 112:17 129:1 162:15,17 considering 135:7 considers 33:14,18 consistent 133:17 144:12 Constable 59:1
---	---	--	--	---

construct 158:13	contributions 7:14	corroborative 9:15	credibility 16:18	cross-reference
constructing	control 84:12	9:18,19,22 13:15	96:10	12:11
161:19	142:25 143:5	14:5 91:15,16	crime 10:11 11:21	cross-referenced
construction 57:7	controversial 16:10	cost 140:5	74:13 78:2,10,22	53:16
constructive	controversy 26:8	council 36:20 59:2	criminal 27:24 28:4	cross-referencing
100:16 143:13	convenient 116:22	59:3 145:5 153:14	29:2,15 30:16	54:17,21
consult 103:10	conversation 59:23	counselling 46:15	61:12 67:18 68:19	cultural 142:17
111:8 130:11	62:6 66:12 68:9	99:22	74:17,18 81:6	143:18 152:14
consultation 55:8	conversations 3:23	counted 127:23	82:7 85:1 92:22	156:9
114:1,3	convey 100:13	country 46:3 47:7	95:17,19,23,25	culture 40:2 77:16
consulted 55:12,15	convicted 29:25	47:15,18 53:13	96:2 98:11 102:19	141:3 142:24
55:15,17 84:9	85:1	61:6 70:3,15	102:20 103:5	144:10,16 156:7,9
111:1 117:21	conviction 27:25	100:2	111:3 113:12	cumbersome 81:19
138:22	30:13,16 61:9	County 36:20 59:2	129:24	curate 105:5
consulting 111:5	85:9 103:5,7	59:3	criminal-type-ba...	current 7:11 21:7
contact 3:18,19,23	104:20 111:3	couple 44:2 47:16	82:1	54:19,23 55:5,6
28:24 43:21,24	convictions 60:5	55:21 72:10	criminalised 69:1,4	55:20 56:16,16,17
52:17 96:22	convinced 36:15	117:18 154:3	criminalising 69:7	60:6 110:4 126:4
105:16 159:9	47:1	course 5:4 6:18	criteria 130:24	142:13
contacts 28:19 39:5	cooperation 4:9	33:1 38:16 49:8	criterion 127:19	currently 20:7
contemporary	copy 140:11 143:22	76:5 79:15 99:3	critical 1:13 16:20	119:13 140:8,24
142:4,6	core 2:11,12 7:23	109:23 128:21	153:7	146:22
content 134:8	7:24 8:11,14	129:3 134:25	criticised 10:20	
contents 118:10	11:14 14:21 17:16	139:9 144:6	14:9,10	D
154:9	20:25 21:3 22:9	146:14,18 150:12	criticises 10:19	d 83:23 166:16
context 3:14 8:14	22:18 23:13,14	165:14	22:22 27:6 28:11	D2 144:3
9:10 19:20 20:17	24:9,13 25:8 27:6	courses 83:18	criticism 1:25 4:17	damaging 131:12
32:10 36:13 40:16	29:21,24 30:5	courts 95:10 98:11	4:23,25 5:9 16:15	131:22
42:14 50:8 53:12	31:5,6,9,9 32:15	111:4	18:1 23:12,13	Dame 37:12,18
53:14 62:8 66:17	32:18 45:7 64:2	cover 80:13	33:12 100:15	69:20 125:14
72:6 73:5,6 78:9	165:2	covered 78:19	142:9	dancing 152:6
78:18 79:16	correct 4:18 8:13	79:20 84:23 91:6	criticisms 22:2,4,6	danger 141:21,22
101:11 121:7	12:23 27:19,21	101:18 108:9	30:5 93:19 115:6	data 123:12 131:9
146:23 147:7	75:6 76:12 78:5	covering 86:24	126:10	date 118:8,9
151:10,24 152:23	85:6 86:7 117:4	covers 107:7 108:7	critique 10:18	dated 89:8 117:10
159:14	119:4,19	109:24	11:12 23:9 31:1,2	dates 7:25 26:7
continue 41:14	correction 74:4,19	CPOMS 53:11	35:2 86:1	daughter 140:18
82:18 83:6	corrections 7:20	CPS 28:9	critiques 8:21	David 166:5
continued 1:3	correctly 25:21	Craig 19:1	critiquing 120:16	day 10:13 146:15
15:20,20 166:18	28:14 127:6	create 65:20 73:6	120:17	day-to-day 35:7
continues 141:21	155:24	107:16	Cross 43:10	40:24 71:21 146:9
161:11	correspondence	created 15:17,19	Cross-examination	156:11
contribute 106:12	3:14 165:15,18	20:20 21:2,2	1:6 166:20	days 44:2 72:10
144:16	corroboration 9:10	119:9	cross-examining	82:7 85:19 98:4,7
contributed 7:10	12:18	creates 19:6,7	98:20	165:20

DBF 36:21	74:11 82:8,21	76:2 77:1 82:12	127:21 129:3	136:2,9,12,14,21
DBS 56:13,16	83:8,12 84:4,6	121:19,21 123:20	161:6 163:1	138:7,8 139:19,22
137:6,6	90:23 102:10,11	126:6 132:2	diminish 139:4	157:5 159:20
de 128:11	102:16,17 103:6	detailed 1:12 7:2	diminished 131:3	directed 3:25 71:14
dead 10:24 11:7	136:11	74:22 77:3 118:20	diocesan 7:11,12	direction 69:15
21:11	decisions 96:13	138:5	35:9,12 37:4,5	directly 50:9
deal 1:8 25:2 29:8	decoupling 137:15	details 105:16	38:21 40:7,18	100:11
44:17,19,20 46:6	decreasing 71:25	110:6	49:21 55:8 57:23	director 59:6
62:4 88:13 103:1	72:2	detective 28:13	58:16 64:11 67:4	disagree 37:18
105:3 118:23	decriminalised	59:4	82:14,16 86:18	95:21
148:17 149:9	129:20	develop 66:11	97:25 99:10 100:1	disappointingly
160:6 161:7,13,14	dedicated 148:20	77:16 121:23	101:16,17,22	142:5
dealing 13:14 19:19	defend 10:24	developed 42:12	103:20,23 104:5,7	disbelieve 12:14,15
56:11 81:14 94:2	deferment 84:7	158:17	112:23,25 113:2	disciplinary 61:25
97:22 98:2,9,12	definition 66:6	development	122:1 128:18	62:3 63:4 65:4
102:24 103:14,17	degree 105:13	114:25 148:13	131:16 133:11,20	76:21 81:8 86:10
115:1 163:20	delay 21:2 116:23	developments	134:1 140:18	86:13 102:25
deals 62:3	deliberate 24:22	114:9	145:4 152:25	108:13 113:8
dealt 13:4 32:5	131:10	DI 28:19	153:2 156:21	145:23 161:7,10
44:25 46:9 81:3,8	deliver 39:11	dicta 95:9	162:16 163:12	161:21 162:5,21
89:18 92:5 103:13	delivered 39:13,16	difference 57:24,25	diocese 19:20 38:10	163:2,4
111:16 112:15,24	39:19	127:8 146:2	39:8 45:17,25	discipline 65:3
125:25 127:7,17	delivering 39:14	differences 11:5	47:12 48:16 49:12	74:23 75:1 79:6
128:25 145:3	delivery 39:1	different 31:10,12	50:16,22 51:2,18	79:10,14,21,24
dean 48:23 49:14	demand 14:4	36:4 47:14 57:7	52:12 53:3,25	82:10 86:4,7
debated 106:11	denigrate 18:24	64:8 68:25 71:23	54:20 55:10,13	87:23,25 88:8,23
debates 106:14	dependent 56:17	86:15,23 87:1	56:2,15 65:6	89:1 90:8,18 93:8
decade 14:7 123:15	depends 158:1	92:7 93:11 102:2	80:11 96:11	93:20 100:6
decades 28:3	deputise 57:11	110:16 124:2	111:15 112:9,13	104:25 110:21
deceased 25:10	deputy 75:8 98:6	147:23 155:6	112:14 118:6	111:16 114:16
136:12,22	102:12	differently 90:25	119:16 122:9,19	161:2,12 162:8,10
December 117:10	describe 14:15,17	differing 151:15	123:3,9 124:4,14	163:15
164:23	16:21 58:3	difficult 11:1 13:10	124:15 126:24	disciplined 146:2
decide 83:11 84:14	described 34:18	14:23 15:4 17:1	127:16,18,21	disciplines 38:12
110:19 119:9,24	49:20 62:7 78:2	19:20 21:8 26:24	129:7 133:6,18,19	disciplining 79:12
decided 2:9 22:20	123:21	46:5,24 69:6,6	142:11 157:21	disclosed 78:23
85:20 103:5	describes 18:4	72:25 88:3,22	158:6 160:3 165:4	discloses 78:9
121:15	description 100:18	123:9 125:17	165:12	152:10
decides 5:19 83:5	desertion 85:15	156:4 158:20	dioceses 37:16	Disclosure 60:22
84:15	designate 103:20	160:8	47:21 72:24 73:2	119:8
deciding 29:16	designated 75:5	difficulties 13:22	111:12 117:25	discrepancy 15:19
102:7	93:15	13:23 14:3 60:14	121:24 122:24	discrete 109:25
decision 2:14 14:8	designed 53:12	138:11 165:4,11	126:21 130:21	discretion 67:13
14:23 15:5,14	destruction 24:23	difficulty 91:1	132:4 133:24	90:15,24 110:8,11
36:1 53:24 55:18	detail 45:3 75:24	123:23 125:2	134:20,23 135:25	110:14

discuss 48:19 154:9	documents 74:24	duty 31:24 50:10	122:13 132:14	encompass 57:18
discussed 32:10,14	165:21,23	64:14 77:13,14	133:11 153:16	encompassed 38:3
38:8 66:17 79:17	dog-in-the-manger	78:16 100:7	EJM 79:11 81:10	encompasses 57:5
98:1	134:22	106:20 107:5,20	81:24 82:5	encountered 132:1
discussing 28:23	doing 21:21 31:9	107:22 159:6,8,9	elaborate 61:2	encouraged 39:23
71:5 98:14	38:18 41:22 48:3	159:13	141:6	39:24 111:6
discussion 4:9	48:5 49:6 71:11	dwell 91:8	elderly 41:4	endorsed 164:17
17:16 30:1 32:19	107:12 121:5	dynamics 77:10	electoral 80:19	enforce 57:15
33:8 78:19,22	139:18 141:12		elegantly 77:4	155:8
151:15	143:19		element 113:4	enforceable 106:20
discussions 3:10	domestic 41:9 59:5	E	122:16 153:7	enforced 155:12
89:15,25 91:2	72:13 98:5,8	e 84:1 166:16	elements 122:1	enforcement
100:14	dominant 45:9	earlier 13:14 32:5	152:15	120:16 155:9
dishonest 127:11	Donald 117:21	49:20 54:13 69:18	elevated 59:10	enforcing 146:4
dismiss 82:25 163:2	doubt 16:11 94:1	71:2 101:14	elicit 98:13	engagement 7:19
dismissal 62:11	109:22 141:1	106:23 153:6	Elizabeth 93:16	30:24 150:15
83:4	doubtless 114:18	155:4 156:5	else's 51:14	151:2
dismissed 51:15	doubts 111:7	early 89:21 98:4	email 3:14,17 4:2	engages 151:18
82:24 163:1	down-to-earth	101:17 102:4	4:20 6:15 28:15	England 22:14
disqualified 104:22	143:16	114:5	28:22 149:24	37:24 40:14 50:14
disseminated 3:3	dozen 143:16	easier 82:3 87:5	emailed 4:8	62:17 64:1 80:10
distance 24:12	Dr 10:3 12:24 19:1	107:1	emailing 3:18 4:16	135:4,6 140:24
89:23	19:14	East 59:3	emails 137:11	143:4 165:10
distilled 69:9	draft 6:23 8:1 24:4	Easter 44:13	emphasis 7:20 8:7	England's 66:5
distinction 135:19	drafting 117:21	easy 76:7 106:25	58:14,20 67:2,3	106:21 119:18
distinctive 132:18	drafts 119:25	Ecclesiastical	149:4,15	enormous 102:14
133:2	drastically 131:4	education 150:24	emphasise 31:4	enquiries 112:12
distinguished	draw 2:5,25 6:3	154:17 158:9	153:19	ensure 49:6 66:22
163:8	11:22 74:25	educational 26:16	emphasised 138:14	77:8 100:4,7
distributed 2:22	104:17 135:19	27:1	emphasising	108:2 110:11
district 75:8 98:6	drawing 113:4	EF 28:13,19	153:22	148:8
divine 133:1	draws 19:2	effect 2:10 32:1	empirical 19:3 70:2	ensuring 47:22
Division 102:13	drew 7:17	65:1 67:19 90:7	employed 51:3,22	entering 149:12
divorced 85:5	DSA 69:25 122:3	92:17 95:18 96:23	123:3	entire 140:21
DNA 10:13	157:22 159:8,9,18	131:13	employee 36:21	entirely 6:7 69:1
doctor 132:21	DSAG 58:2 133:23	effectively 34:19	52:5 64:11 128:19	129:21 155:20
doctrine 79:19	DSAs 64:7 149:15	35:21 41:25 47:9	employees 122:19	entirety 74:21
document 7:3,7	due 50:10 64:14	80:16 81:1,7	128:11,11,16	entitled 84:9
63:23 75:21 76:1	86:8,10 106:21	82:21 83:25 84:11	129:1	envisage 20:9
76:3,7 87:7,12	107:3,12,13,15,15	94:12	employer 51:18	equal 146:7
118:8 135:24	107:18,19,21	effort 75:19	employer's 51:25	equipped 66:8
140:11	108:1,6,11,16	efforts 124:8	employment 51:6	equitable 31:25
document's 118:9	Dunhill 28:21	Egress 165:21	62:13	equivalent 65:10
documentation	Durham 75:6	eight 139:19	enable 42:25	74:9
96:11	duties 86:5	either 39:17 116:16	enabled 104:19	erroneous 8:22

error 22:17 125:13	128:20 130:8,16	exist 50:10,13	129:19	124:5,25 125:5
escape 63:7	133:9 134:12	124:9	expressing 4:16	127:6 129:22,24
especially 26:25	136:4 138:5 142:3	existed 123:11	16:5	130:1,20 131:8
40:1,4,8 45:6	154:10 155:3	124:12	expressly 86:4	134:24 137:10
156:9	159:3 160:21	exists 129:4	95:19 105:19	139:4 141:15
essential 4:22,25	161:5 162:7 163:8	expanded 144:1	108:14	144:1 146:1 149:3
5:7 39:25	164:10 165:3	expect 9:23 10:1	extend 90:16	150:4 151:2
essentially 4:20,21	evidenced 40:5	51:20 112:25	105:20	152:17 158:17
7:25 42:11 52:17	ex 108:8	133:10	extended 90:21	162:15
58:7,23 59:14	exactly 4:19 19:9	expectation 8:8	93:5	facto 128:11
62:9 77:6 87:18	33:4 34:8,23 62:2	expected 10:7 66:8	extension 16:16	factor 155:22
110:15	62:5 63:13 113:11	75:22 100:23	extensive 6:24 7:2	factors 110:22
esteem 25:1	114:12	expecting 6:20	32:19 33:8 120:17	facts 80:6 85:22
euphemistic 125:12	Examination 73:21	expedite 92:16	extensively 32:14	factual 7:4,5
Europe 22:14	117:2 167:1,5	expensive 81:19	50:6 125:4 150:24	fail 86:10
80:11	examine 6:8 122:7	experience 6:19,21	extent 16:2 25:14	fail-safe 54:16
EVANS 70:24	example 44:3 51:14	19:21 20:3,5 28:3	25:18 48:4 49:11	failing 86:8 87:2
72:19	51:15 52:1 56:24	37:17 62:19,20	49:12 50:19 55:11	failure 69:3,3,7
evening 156:25	59:12 60:24 61:2	101:6,9,11,25	101:23 111:20	fair 7:22 44:5
event 88:6 135:5	61:3 67:14 80:11	102:14 114:24	external 30:15	112:18 138:14
events 40:8,8	88:6 98:10 102:19	115:4,5,8 119:24	42:10,10,11 155:5	146:16
164:22	120:2,10 124:1	140:15 147:21	155:9 156:7 158:7	fairly 20:3,5 55:14
eventually 6:2	128:3,8 155:3	experienced 28:2	externally 42:17	55:14 70:5 142:3
131:3	156:18	100:12 102:12	155:12 157:14	147:9
everybody 37:13	examples 55:7	123:2	158:3,19	Faith 37:12
38:24 104:2	143:16 144:14,18	expertise 37:14	extract 93:22	Faithfull 139:1
110:13	excellent 47:19	57:17 118:24	extreme 16:22	false 13:2
everybody's 48:25	exception 90:24	experts 102:9	extremely 13:3	familiar 11:25 97:6
evidence 4:12 5:15	exceptionally 32:6	explain 68:11 82:11	26:24 39:15	families 72:12
5:23 6:8,10 9:15	exchange 28:15,22	94:6 106:17 121:7	eyes 153:16	family 30:25
9:18,19,22,23,24	exciting 35:6	121:18 130:8		102:13
9:25 10:2,6,13	exclude 129:23	133:7,14	F	far 9:16 20:4 38:3
12:1,8 13:7,15	excluded 128:10	explained 28:24	face 153:24	38:20 56:8 66:4
14:5,17 15:2,6	129:20 130:3	32:23,24 133:8	face-to-face 4:4	81:17 116:18
17:20 18:25 24:6	excluding 130:9	explaining 68:8	faced 64:9,13	129:16 139:16
26:1,21,21,22	executive 59:6	explanation 9:8	facilitating 47:21	145:11 146:19
35:13 37:3,19	119:3 135:23	12:21 32:16,17	facilities 151:11	153:7 160:14
44:6,11 48:22	155:10	132:3	facing 140:24	163:10
50:23 63:17 64:7	executives 58:6	explicit 106:4	fact 3:13 7:20 8:7	fault 50:2 112:20
64:8,8 73:12,17	exercise 138:9	Exploitation 67:25	8:12,13 10:11	feasible 99:15
81:13 88:17,20	exercised 109:1	explore 8:11	11:7 16:13 20:17	107:9
91:9,11,15,16,17	exercising 85:3	exposed 16:14	20:23,24 32:16	feature 45:9
91:18,19,19 94:22	110:11	express 3:9 4:11	33:7 37:8 44:18	features 104:18
98:14 113:4 116:5	exhibit 118:9,11	expressed 3:24	48:1 64:10 66:17	February 26:6
116:15,23 124:8	exhibits 118:7,14	87:22 108:15	121:21 123:22,23	fed 27:17

feedback 100:16	Findlater 117:21	following 2:25	164:12	144:13 163:22
feel 97:17,18 109:6	117:22,23 118:5	62:18 92:3,5	foundation 19:4	fuss 160:5
120:18 142:21	finish 116:8	93:18 95:10 111:3	42:23 139:2	future 88:10 112:6
163:14	firm 63:16	116:8 123:15	four 36:13 55:22	114:19 129:12
feeling 100:15	first 2:18,21 5:22	152:15 164:22	82:6 120:7 124:2	
120:8	6:23 8:1 24:3	follows 164:19	136:15,19 139:21	G
feels 150:20	25:9 41:18 59:13	footnote 18:6,7	141:5 146:15	Gabrielle 7:11
fell 80:23	65:5 69:14 75:12	85:4	fourth 141:18	gain 19:5
felt 2:10 4:6 22:19	75:15 76:2 79:8	force 74:8 81:10	fraction 139:7	game 137:14,15
95:16,25 96:15	79:11,16 83:21	89:22	frankly 95:25 97:7	gangs 73:4
162:12	88:10 89:4 91:5	forgive 77:3	140:2	gap 21:24
female 99:6,10,14	93:1,25 110:4	forgiveness 141:20	frequently 128:15	garages 123:24
fervently 36:2	116:10 119:21	151:12	Friday 1:1	gauge 17:22
field 10:5 139:17	123:10 130:6	forgiving 141:22	friend 96:25	Gemma 2:16,18
figures 40:3,5	136:14 147:1	form 57:14 94:15	friends 57:3	3:17,20,22 4:19
85:24 112:16	159:8	94:17,22 120:16	friends' 57:13	5:20 6:4,15 28:19
131:21,23	firstly 3:9 4:10 7:19	120:16,17 121:16	frightening 150:6	35:23 36:13 37:9
file 54:15,18 55:1	8:24 10:24 11:25	151:23 161:19	frightfully 140:2	54:6
55:25 56:3 123:10	23:20 27:19 29:11	formal 49:18 75:17	front 4:20 87:10,10	Gemma's 4:2 5:11
137:5	48:19 63:18 116:8	78:22 85:16	110:14 117:13	5:13
files 53:2,16,20,21	117:19 118:23	111:11 126:17	118:13	general 58:10 67:1
54:2,5,10,10	123:21 140:19	127:2,22 137:10	fulfil 120:19	75:22,24 98:18
55:16 122:17	142:17 145:21	151:19 152:4,7	full 57:12 80:3	106:20 142:22
123:11,14,16,24	161:13	formality 63:11	82:12 89:23	143:15 150:6
124:7,9,11,12,21	fit 153:18	formally 50:3,20	104:16 116:7,10	159:23
124:22 125:7,21	five 23:15 36:24	95:15 137:20	116:11,13,20	generally 18:2 67:1
129:6,8 139:6,13	37:1 45:14,22	formed 58:4,5	127:12 135:5,6	103:8 104:9
filing 124:2	83:18 124:2 127:3	former 58:25	164:11,14	114:17 138:13
filled 62:23 105:7	141:5 142:17,23	122:12 148:19	full-time 35:19	147:18 158:25
105:10 111:13	five-year 28:20	forming 58:8	75:5	159:14
filters 127:1	flag 53:22	forms 71:15 72:15	fully 13:6 16:10	generate 19:9
final 83:1 84:4 99:2	flagged 55:20 56:6	forth 6:18 41:10	30:13 32:24 33:9	25:11
113:24 126:9	91:1	46:16 51:5 53:25	33:10 116:6	generated 20:24
140:11 157:1	flexible 95:8	forward 6:19 12:21	122:14 127:10	generous 33:5
finalising 140:8	focus 2:13 45:18	36:8 39:11 40:23	function 135:2	genuine 9:16
finally 79:23 142:1	46:4 52:24 147:4	45:19 52:21,25	functions 71:24	genuinely 11:5
finance 64:11	151:1	90:2 94:5 110:16	85:3 158:5	139:3
156:22	focused 47:23	112:17 144:5,8	fundamentally	George 1:16 10:23
find 16:5 26:24	follow 51:7 60:6	146:1 147:22	58:25	15:15,21 16:4,6
29:7 54:25 59:16	70:11 87:2 106:24	148:7,17	funerals 57:3,13	20:3 22:12 24:1
59:17 123:25	107:5,9	forward-looking	further 30:19 31:15	24:23 25:7,8 26:9
124:6 152:4	follow-up 99:21	45:12 46:3	56:10 69:11 83:11	getting 26:7 42:6
153:23 156:4	followed 28:6	found 12:3 23:11	83:22 84:5 104:23	130:14 153:8
finding 61:14	86:19 106:9	26:17 73:12	109:15 123:16	Gibb 37:12 125:14
123:24	110:24 166:4,5	124:10,21 125:14	127:4 141:3	Gillespie 18:8

give 5:13 15:6 35:4 39:4 43:7 44:4 50:10,22 52:1 60:24 61:3 64:8 64:14 92:19 116:14 126:20 127:10,12 143:15 152:8,8 157:15 159:3 160:21 165:3	156:24 158:8 going 4:1 9:19 10:8 13:18,18,19 14:19 20:4 23:15 26:23 31:17 34:20,20,22 36:6,17 40:10,16 45:7 52:20,21,25 53:1 54:25 68:7 70:9 83:15 88:15 91:22 103:8 110:6 110:16,18 112:17 114:8 115:16 116:3 120:8,21,25 129:11 130:13 131:2 139:13 143:2,7,14 144:9 149:14 150:1 160:4,4 164:7,10 164:11	grounds 62:12 78:2 86:8 163:2 group 2:11,12 7:23 7:24 8:11,14 11:14 14:22 17:16 20:25 21:3 22:3 22:10,19 23:13,14 24:9,13 25:8 27:6 29:3,21,24 30:5 31:3,5,6,7,9,10,14 32:10,15,18 57:23 58:1,22,24 59:13 119:17 120:8 121:23 129:23 133:21 162:16 groups 18:16 57:24 58:1 159:2 grow 64:17 grown 64:16 growth 36:23 guidance 20:6 21:7 21:25 38:18 42:5 43:20 53:5 64:15 67:3 75:1,2,17,20 75:23 76:14 78:14 79:3 86:11 90:17 101:18 107:24 108:10 110:20,23 130:8 141:14 148:6,11 157:4 guide 76:7 guidelines 75:13,19 76:8 77:1 78:15 78:25 101:13 108:15 guiding 32:4 Guildford 118:6 Guildford's 118:4 guilty 27:3	hamstrung 147:20 hand 15:18 21:23 115:17 handed 122:6 handle 112:22 handled 45:17,18 45:21 hands 101:24 happen 31:11 60:16 64:3 68:20 96:13 100:20 143:8 145:10 150:12,13,13 happened 17:16 24:5,8,11 27:14 28:8 55:22 61:16 68:21 99:9 123:15 135:24 137:21,22 137:23 139:10 141:15 happens 68:15 84:12 happy 5:5 100:23 100:24 hard 148:21 harm 161:22 harming 93:13 Harper 19:1 harumph 146:15 head 17:25 59:1,2 100:11 128:7 137:24 152:6 head-on 157:11 headlines 121:14 health 41:8 72:14 150:23 155:10 healthy 151:2 Healy 18:8 hear 2:20 82:22,22 116:5 158:14 164:10 166:5 heard 3:21 21:9 26:22 35:14 36:9 50:24 52:4,7 55:7 56:8 79:16 81:13	86:20 88:21 109:1 hearing 40:10 53:7 95:24 98:7 102:23 166:3,12 hearings 79:17 96:1 heart 40:13 84:19 hearts 146:10 156:10 heaven 153:16 held 15:18 51:19 54:1 60:12 120:13 Helen 36:14 37:10 54:7 help 29:16 80:14 97:23 107:2 148:2 148:9 149:22 153:19 helpful 35:1 47:12 71:2 101:5 115:21 121:6 130:19 161:1 166:2 helping 102:6 131:17,19 helps 40:8,9 hidden 13:13 hierarchy 134:17 Higgins 7:11 high 25:22 41:1 high-profile 121:9 higher 33:16 132:24 highlight 68:1 91:23 highlights 28:21 highly 18:17 20:14 134:8 Hind 21:20 35:17 87:14 89:4 91:1,9 hindsight 14:14 historic 9:17 hit 121:14 hold 1:20 50:23 54:14 62:9 109:7 120:2
given 10:2 11:13 15:2 16:3 24:25 32:16,18 37:19 44:6 51:15 57:20 58:1,14 68:3 72:1 73:13 90:10 92:4 93:14 98:14 100:5 105:15,16 107:24 108:10 124:7 136:24 137:13 143:2 155:5 161:5 gives 124:1 153:2 giving 98:7 101:18 133:9 143:25 144:1 149:15 153:1 glad 34:1 40:3 99:17 105:8 glaring 127:25 glum 134:17 go 8:16,18,19,20 16:9 30:20 36:16 43:9 44:2 47:12 50:16 54:19 64:23 69:8 84:5,17 85:21 88:13,15 93:24 97:3,8 98:25 132:5 136:18 138:8 146:12 149:20 158:10 goes 32:20 51:10 53:15 67:6 71:12 72:9 84:14 102:10 102:16 110:10	good 1:4,4,7 3:2 24:16,20,25 47:15 47:22 63:20 76:9 76:10 91:19 112:6 124:1,8 150:19 151:2 153:4 154:25 158:25 163:3 Gordon 12:9 63:16 111:24 Graham 40:12 166:6 grand 143:7 grateful 59:20 great 23:21 25:23 greater 11:12 132:23 147:2 148:24 157:15 159:17 greatly 15:15 grey-suited 97:16 grips 141:9 grist 71:21 grooming 150:10 ground 47:24 86:25 87:5	half 14:7 25:19 143:16 Hall 93:16 100:10 Halliday 121:11	H	

holders 106:21 107:24	105:21 113:6 114:19 128:25 132:10 138:11,17 155:24 160:22	importance 23:22 149:20 153:19	20:2 67:4 80:7,9 105:12	27:24
holding 25:8	identifies 20:22 27:8 28:6,13,15 30:7,23	important 3:7 16:24 23:1 26:5 39:5 49:13 63:6 64:25 73:13 78:5 79:13 85:8 88:8 98:24 107:17 113:4 114:13,14 141:22 145:8 147:8,11 148:7,13 153:13 155:22 156:5	inclusion 104:24 inconsistent 21:2 incorporate 16:5 incorporated 38:17 increasingly 1:24 120:6,7	infancy 88:1 inform 78:23 informal 75:18 152:7
holds 54:20	identify 2:4,10,23 3:15 9:5,13 19:3 26:16 30:4 40:17 46:12,21 58:24 60:14,19 63:23 76:8 115:20 122:19 132:2 135:12 136:18 137:2 138:16 154:8	imposed 92:2 107:20,22 111:2,4 158:19	incumbent 142:13 153:14 incumbents 142:14 indecent 72:8 independence 36:11 63:25 66:2 71:4 123:5 158:23	information 8:23 21:23 43:4,13,21 43:24 44:4 53:17 53:21,23,25 54:14 54:21,23,25 55:17 59:16,17 71:3 93:14 122:8 124:22,25,25 136:6 152:12
home 59:17 97:17 119:8,13 132:7,8	identity 18:9 19:6,9 IDSVA 2:16 36:8 37:9,11 38:13 45:23 46:13 47:16	impossible 9:20 impression 73:7 imprisoned 104:21	independent 22:24 35:23 36:3 45:25 60:10 63:19 64:4 64:19,21 65:2,6,8 83:3 118:2 119:7 119:14,16 122:2,4 122:6,16 123:1,3 125:4,17 127:16 136:24,25 148:8,9 156:17 157:23	informed 138:21 initial 3:18 36:7 92:25
homes 97:3,4	ignore 12:17 ignored 29:18	improved 6:11 142:2,2	index 87:8,11 118:8 118:9	initially 36:18,19 initiative 143:7 injunctions 98:5,8
homily 142:22	II 22:15 Iles 73:17,18,20,22 74:20 109:23 115:12,13 166:24	improvement 41:13 142:4	indicated 71:18 indicates 27:13 indications 12:20 indicators 137:14 individual 111:18 112:13 142:11 161:11	input 84:13 inquiries 120:12 inquiry 13:23 15:2 16:25 24:5 26:21 35:4 37:20 55:23 56:19 61:22 65:14 73:23 132:15 133:9 140:11 144:20 164:20 165:2,22
honest 14:19 127:10 148:3 151:23	illustration 43:7 images 72:8 imagine 39:1 43:11 96:18 129:16	in-depth 67:23 in-house 158:3 inadequate 8:25 9:7 23:3 inadequately 127:17	individual's 86:23 individuals 10:20 14:10 22:10 33:3 50:21 55:10 59:11 75:16 81:13 120:24 125:19 129:5,10 142:20 146:21 150:5 152:5 159:6 160:21 166:3	inquiry's 2:25 6:3 insider 152:20 insisted 56:25 insofar 136:5 inspect 158:12,13 inspected 155:12 158:15,16 inspection 155:9 Inspector 28:13 inspects 155:8 158:8
honestly 89:14	immediate 85:10 85:10	inappropriate 54:22 77:22 130:2 87:5	inexperienced	instance 8:16 10:2 37:23 38:5 53:18 61:15 75:23 108:14
honorarium 128:13 129:6	immediately 92:3 92:20	incident 88:25 incidents 49:3 88:24		
hope 51:19 141:24	impact 25:13 120:8 130:18 138:2	include 17:19 147:3 included 18:25 86:4 104:21 126:24 128:17 135:15		
hopefully 139:11	implement 48:4 154:17 161:9	including 14:21		
Hornsey 18:8	implementation 135:11			
Hosgood 35:15	implementing 47:21 154:21			
hospital 52:2				
hospitals 51:4				
House 50:11 75:17 86:9,11 95:11 97:6,7 108:17 117:22 121:15,23 122:25 126:14,25 127:4 133:15 134:3				
housekeeping 118:12				
HR 62:7,13				
huge 64:10				
human 139:11 154:20 155:1				
hurt 149:22				
hypothetical 18:19 60:24 61:4				
I				
idea 63:20 112:6				
ideas 47:19 114:16				
identical 118:10				
identified 3:2 4:17 10:17 11:15 19:19 20:9 28:9 34:5 40:2 42:21 61:23				

instant 44:8	interviews 146:24	79:1,3 98:1	112:5 144:9	157:7 158:9
Institute 119:15	intrafamilial 72:7	125:19 140:23	keeping 53:1,3,4,8	159:12 161:3,4
instituted 74:12	introduced 41:17	142:15 145:2	54:9 77:19 137:4	162:25 163:6,9
162:10	79:25	157:13	142:11	165:3
institution 129:15	inverting 111:22	IST 117:24	kept 38:21 54:10	knowing 150:19
142:20	investigate 21:10		112:3,13 121:13	163:17
institutions 19:5	157:21	J	129:9	knowingly 126:15
26:3	investigated 61:7	Janet 35:17	key 7:7,15 38:12	knowledge 66:20
instruction 107:24	157:14 158:2,3	January 46:1 89:22	45:20 58:6 74:25	74:1 101:12
130:18	investigation 8:25	Jay 11:22,24	104:18	117:16 122:13
instructions 143:3	9:7 22:24 23:1,4	Jetten 18:9	kind 8:4,6 10:6	152:21
instrumental 22:12	54:23 60:9 61:9	Jewish 22:9	21:17 22:23 23:4	known 55:2 68:2,5
Insurance 20:11	68:14 84:1,11	job 15:24 21:10	44:4 46:9 59:21	122:4,21 127:1,15
32:3	investigations	35:9,12 38:2,3	62:24 63:10,11	127:22 128:21,25
insured 20:14 32:4	21:22 40:22 53:18	John 11:22,24	65:7,20 98:16	149:16
integrated 146:8	68:15 92:23	21:20	150:9 155:5,13	
integrity 146:21	155:25	join 35:24	158:6 163:4	L
intend 116:18	investigative 21:18	joined 36:20	Kinder 22:13	lack 12:18 64:14,14
intended 3:6,7	invited 83:6 106:13	joint 7:7	Kitemark 42:11,17	71:20 133:15
109:7	involve 4:11 160:4	journal 18:12	knew 123:11	159:23
intent 131:10	involved 18:17,17	judge 75:8 98:6	128:19	lacuna 62:23 105:6
intention 76:11	18:21 19:11 21:16	judged 76:19 96:10	knock-out 145:16	105:10,11 162:23
interaction 150:19	48:16 49:2 68:9	130:24 158:22	know 4:8 21:12	LADO 56:1,6
150:20	101:16,23,23	judges 102:13,22	22:12 26:9 27:3	159:10
interest 82:20	104:8 156:12	judgment 4:12	28:9 35:3 37:19	laity 39:20 66:20
92:14 103:21,24	involvement 30:24	101:25 109:5,8,11	40:9,9 42:6,6,7	128:3 141:19
104:11	102:8 117:24	125:13	43:10 44:13,15	161:14
interested 61:22	164:22	Julie 155:3	48:7 51:18 54:20	Lambeth 165:16,17
72:21	involves 32:1	July 15:1,23 22:20	60:19 66:25,25	lapse 125:12
interesting 52:9	involving 25:16	29:19 32:15	67:8 68:13 69:14	large 7:3 27:20
interests 6:5	79:19 121:10	118:10	69:15 79:5 82:12	44:20 45:4 49:4
interim 90:4 93:18	IPCC 157:24 158:3	jump 87:13	89:15 90:2 91:3	56:20 114:1 137:7
internally 64:17	Irving 36:14 54:7	June 1:17 5:20	94:8 95:24 97:16	largely 22:4 27:23
internationally	issue 31:19,20	134:20 136:1	107:18 108:11,12	32:23 37:15
26:1	34:24 55:18 61:25	Jurisdiction 79:9	108:16 112:7,14	129:15
interpretation 7:5	62:1,3,4 67:14	justice 23:21,25	112:20 114:10	largest 49:12
141:20	107:17 108:18	27:24 28:4	118:17,19 124:23	lastly 116:12
interrogated 127:1	124:13,20 125:11	justifiable 157:12	126:5 128:22,22	late 9:21 57:2
interrogation	125:17 153:25	justified 16:2	130:10,17 131:7	launch 42:9
145:2	156:6,8 159:4		132:1,15 133:4,7	launched 41:24
intertwined 21:1	issued 56:15	K	135:10 137:23	43:4,21 69:15
intervene 50:9	issues 19:18 21:3	Keane 36:17 37:9	139:6,23 146:20	law 29:2 62:13
interview 26:6,8	27:5 30:23 31:15	38:5 39:17 49:19	147:10 150:21	67:18,18 68:23
28:17 96:12	33:1 60:3 61:24	54:6	152:3,9 153:17,21	69:2 78:8 91:3
145:15	74:25 76:2 77:2	keep 17:25 26:12	154:4 156:11	94:2 95:20 105:8
		47:22 52:6 111:25		

Lawrence 155:4	letters 55:3 122:15	listened 3:1 94:22	147:22 165:20	MACSAS 106:11
lawyer 31:17 34:2	letting 145:11	163:7	looks 150:20	155:4 159:5
97:16 132:21	level 25:12,22	listening 98:19	Lord 1:9 2:9 3:11	main 8:23 40:20
lawyers 15:9	28:24 35:21 38:21	literally 123:23	3:18,20,21,25,25	46:17 56:13 81:18
100:12 107:13	42:22,23 44:11	litigation 13:6 31:8	4:6,7,16,19 6:7,14	81:22 91:23
lay 40:4 52:18 97:9	47:25 49:18 59:21	little 17:6 71:3	6:16 7:17,22 8:10	mainstream 12:9
122:19 129:15	100:1 110:8	82:11 83:15 91:8	8:24 9:11 10:18	maintain 24:4
161:17	111:14 112:23,25	121:6 136:11	10:19 13:24 14:9	41:14 46:5 77:19
lead 4:23 104:24	113:1,2 133:11,11	137:12 150:7	15:1,23 20:21	maintained 8:13
152:25	147:2 149:19,20	163:7,18	22:5,7,21 23:10	54:11 58:19
leader 18:15	153:7 157:19	live 116:5	24:18 25:22 27:6	major 8:9 23:12
leaders 19:5 26:25	158:1 160:13	living 122:19	29:1 30:3 31:18	41:13 103:19
39:23	levels 68:2 96:16	local 42:15,15	32:21 33:12,16	126:7
leadership 39:16	liability 33:1 34:16	47:25 56:6 59:6	34:11 95:9 116:10	majority 9:16 10:9
39:22 40:3 57:1	34:17	62:6 93:15 100:3	164:6,8,10,19	10:10,11 20:10
152:16,18,22	liable 85:2	140:16	167:7	39:23 66:4 82:8
153:6,12	licence 50:23,25	locate 124:9	Lords 95:11	126:1
leading 120:21	51:19 55:19 56:15	logical 15:14	lost 65:15 84:12	maker 115:3
leads 129:3	57:9,14	London 97:16	lot 8:2 9:14 17:17	making 18:24
leaps 138:3	licensed 51:1	100:1	20:20 26:1 33:5	28:22 29:22 56:17
learn 149:1	161:17	lone 11:20,21	38:6 39:11 47:17	70:25 88:18 91:10
Learned 135:24	licensing 53:24	long 32:12 42:9	52:4 53:16 55:16	94:23 103:21
137:7	life 45:9 60:20	105:1 107:7	57:5 61:10 72:8	106:4 120:11
leave 121:12 135:9	103:9 140:21	longer 105:2 110:3	72:18 85:19 89:17	149:10 150:7
leaving 47:24	146:9 158:10	look 4:8 44:14	98:1 103:4 104:15	Malcolm 70:21,24
led 1:14 21:24	light 105:23 123:16	47:13 48:2 55:24	107:1,7,10 115:6	72:19
127:2 130:5	125:1 139:8	56:4 83:17 88:24	121:20 125:19	male 99:5,13
156:10	limit 31:25 129:16	101:9 103:14	126:6 138:5 154:1	man 25:23 26:9
left 1:8 47:1 100:14	limitation 31:15,19	109:23 111:19	160:5	96:10 99:3,19
109:14 153:17	31:20,25 32:6,9	118:14 120:10	lots 46:18	manage 19:22 20:8
legacy 46:6	32:23 33:9 90:7	124:6 127:5	low 30:8,14	41:1,1 155:19
legal 13:16 29:20	90:14,20 91:2,4	131:22 132:13	lower 157:19	managed 26:12,13
100:11 108:3	108:19	137:18,19 139:10	loyalties 77:16	155:16
legally 106:20	limitations 90:11	145:6 146:7	Lucy 139:1	management 43:3
legible 124:24	108:20	148:15 153:2,24	Luke 43:8,9	44:4 53:9,10,11
legislation 79:11,12	limited 13:9 57:14	looked 18:14,15	Luke's 43:9	54:12 58:22 59:16
107:8	62:21	21:25 44:5 89:1	lunch 109:14,24	62:1,4,24 63:11
lens 101:10	line 159:7	116:2 128:1	lunchbreak 109:17	133:21 137:5
Lessons 135:24	lines 57:20 96:2	131:11 134:7	Luxon 89:12,15	148:11 149:16
137:7	113:11	139:6	131:15 134:15	161:20
let's 8:18,20 148:25	list 60:11 64:22	looking 28:7 32:1	135:3	manager 59:5 62:7
160:5	104:22,24 105:4	45:19 46:2 47:6	<hr/>	managerial 41:21
letter 15:18 54:19	122:4,21 128:21	52:21,25 54:19	M	managers 59:15
55:5,6,20 87:14	141:4	63:2 78:6 85:23	Macfarlane 10:3	managing 31:10
89:6,7,8,16	listen 98:24	114:20 120:24	12:24 32:5 155:3	38:7 56:11 148:6

mandated 67:8,10 67:11 68:4,6,23 69:2 156:21 163:12	141:22 142:18,19 144:10 145:1 146:5 147:16 149:13 151:8 152:2 155:18 156:18 158:8 161:23	61:10 96:5,6,7 99:5 100:17,19,22 153:14	minute 127:5	Moira's 69:20
mandatory 67:16 67:17 107:5 159:4 159:6,7,9	means 11:8 40:10 66:19 76:6 91:14 94:8 95:12,13 96:18 99:12 107:21 108:1 150:18	meetings 7:22,24 8:15 24:7 59:13 99:21	minutes 1:17 8:10 8:12 24:7 27:14 29:20 32:15,18,22 32:25 142:23 153:17	moment 22:1 48:8 51:11 79:3 116:22 117:12 120:15 122:3 138:12,13 139:18,21 146:21 149:4 154:5
March 1:1 3:17 166:13	meant 41:22 134:1 158:11	meets 159:22	misconduct 74:13 80:12,22,24,25 81:1 84:20 86:3 87:2,6 103:22	monastic 52:11,12
Mark 72:10	measure 17:22 74:10,12 79:9,10 79:13,14,15,18,20 79:22,24 80:1,14 81:1,5,8,18,21 82:11 86:2,4,7 87:23,25 88:23 89:21 90:8 91:6 93:20 95:7 114:17 115:8 161:2,7,12 162:8,10 163:15	member 40:6 84:25 94:13 119:13,17 120:7 140:16 161:24	misjudgments 130:3	Monday 116:17,22 166:3,8,13
markedly 33:2	mechanism 150:14 163:11	members 7:23 8:11 21:9 22:8,9,11 24:9 54:4 58:24 65:5 80:18 101:7 117:24 128:7 132:23	mistake 37:22	monetary 34:21
Martin 44:6 48:21 50:24 55:21,24 56:3 58:5,13	mediation 72:22 73:5	memory 118:19,22 127:6 135:12	mistakenly 27:13	money 139:15 140:5
massaging 131:23 131:24	measured 16:20 17:14,15 18:1	mental 41:8 72:14	misunderstanding 113:21	monitor 42:25 129:17 135:11
Masters 67:22 69:9	measures 74:23 80:6	mention 108:5	misunderstandin... 115:7	monitored 111:21
match 70:4	mechanism 150:14 163:11	mentioned 13:22 25:9 44:18 55:2 72:4 90:19 104:14 106:23 151:13	misunderstood 91:14,20	monitoring 110:10 110:18,23 111:6 135:18,19 136:5 157:22 158:5
material 7:5,6 8:23 53:15	meets 4:18,22 5:4 97:2,4,4 99:6,13 99:16,17 127:18 131:15,16 158:18	memory 118:19,22 127:6 135:12	mixed 122:25	monitors 114:17
matrimonial 85:12 85:19,25	meeting 1:16,21,22 1:23 2:8,14,15,18 2:20 3:21,24 4:5 5:7,8,17,18 17:20 17:24 22:21 25:16	mentals 41:8 72:14	mmm 38:25 146:10 146:11,11	month 40:21
matter 86:13 113:24 141:3 159:1 162:5	meets 4:18,22 5:4 97:2,4,4 99:6,13 99:16,17 127:18 131:15,16 158:18	mentioned 13:22 25:9 44:18 55:2 72:4 90:19 104:14 106:23 151:13	model 36:8,10 45:24 46:14 47:16 47:20,22 155:8,10 155:11,23 156:16 156:24 157:18	months 5:17 43:22 45:5,6 49:17 87:22
matters 13:3,8 48:15 79:19 94:3 97:22 102:20,25 110:15 112:3 115:1 118:12 131:7 137:5 140:6 159:6 165:18,24	meets 4:18,22 5:4 97:2,4,4 99:6,13 99:16,17 127:18 131:15,16 158:18	mentions 23:25 99:2	models 36:4 155:7 155:14,15	Morag 36:17 37:9 38:5 39:17,18 49:19 54:6,8
Matthew 7:12	mechanism 150:14 163:11	met 97:13 123:4,5 158:17	moderated 138:4	morning 1:4,4,7 113:13,21 116:22
McNeill 73:16,18 73:21,22 109:13 109:22 115:9,13 115:15,18 167:1	mediation 72:22 73:5	metaphorical 141:8	moderating 120:22 121:5 122:23	motivated 139:3
mean 21:6,12 26:10 33:15 38:21 55:14 63:7 66:25 67:17 76:3 86:13 94:12 105:24 107:19 108:16 109:5,8 113:18 126:5 127:20 133:19	Meekings 63:17 66:16 124:4	Methodist 135:4	modern 82:1	move 37:3,4,5 81:25 90:2
	meet 4:18,22 5:4 97:2,4,4 99:6,13 99:16,17 127:18 131:15,16 158:18	mind 10:7 12:19 15:19 20:20	modification 117:17	moved 21:21 62:11 80:13
	meeting 1:16,21,22 1:23 2:8,14,15,18 2:20 3:21,24 4:5 5:7,8,17,18 17:20 17:24 22:21 25:16	mindful 25:6	modified 139:19 145:19	moving 55:12
	meets 4:18,22 5:4 97:2,4,4 99:6,13 99:16,17 127:18 131:15,16 158:18	minds 146:10 156:10	module 39:14,16 39:22	multi-disciplinary 37:7 41:12,14
	mean 21:6,12 26:10 33:15 38:21 55:14 63:7 66:25 67:17 76:3 86:13 94:12 105:24 107:19 108:16 109:5,8 113:18 126:5 127:20 133:19	mine 5:13 87:11	modules 38:23	multiple 12:10
	meets 4:18,22 5:4 97:2,4,4 99:6,13 99:16,17 127:18 131:15,16 158:18	minimal 138:1,2	Moira 37:12,18 125:14	mundane 35:5
	meeting 1:16,21,22 1:23 2:8,14,15,18 2:20 3:21,24 4:5 5:7,8,17,18 17:20 17:24 22:21 25:16	minimum 76:9,16 76:17		<hr/> N <hr/>
	meets 4:18,22 5:4 97:2,4,4 99:6,13 99:16,17 127:18 131:15,16 158:18	ministry 49:14		n 78:6 166:16
	mean 21:6,12 26:10 33:15 38:21 55:14 63:7 66:25 67:17 76:3 86:13 94:12 105:24 107:19 108:16 109:5,8 113:18 126:5 127:20 133:19	minor 117:18		name 86:23 105:15
	meets 4:18,22 5:4 97:2,4,4 99:6,13 99:16,17 127:18 131:15,16 158:18	minority 136:21		narrative 26:12
	meeting 1:16,21,22 1:23 2:8,14,15,18 2:20 3:21,24 4:5 5:7,8,17,18 17:20 17:24 22:21 25:16	Minto 18:8		

133:4,5,10 134:14	107:25 110:7	nominate 58:7	111:14 112:1	145:24 162:21
narrow 37:23	117:12 118:15,16	nomination 58:9	115:23 127:2	163:4
112:2	118:22 130:11	non-Catholic 18:16	131:2,3 138:16	offences 102:20,21
narrowing 70:7	132:4 133:12	non-Christians	146:24 155:6	102:21,23 103:1
national 22:2 25:16	135:12 136:18	18:16	159:1,19	129:19,24
31:3,13 38:17,22	141:3 142:18	non-confidentiali...	numbers 126:21	offended 149:22
45:18 46:21,23	143:12,18,24	33:20,22	131:11 139:5	offenders 26:2 38:8
47:6,10 53:5 59:7	146:10 147:12,16	non-disclosure	nursery 59:16	41:2 72:7 149:16
60:12 64:16 65:4	147:18 150:22	31:16 33:11 34:12	nursing 59:6	offending 101:12
65:16 87:19 93:17	155:5 156:23	34:22	Nye 2:17	offer 4:4 12:12
96:5,6 112:21	160:12 163:11	non-ordained		13:19,20 71:24
119:18,21,23	165:3	39:24	O	offered 4:3 6:15
120:1,18 131:17	needed 42:21 81:24	non-recent 9:17	oath 154:9	7:25
131:19 133:11	needs 42:24 54:16	44:20 45:16,21	objectively 13:10	offering 151:11
135:10 155:13,13	62:22,23 66:1,7,9	normal 103:17	obscure 25:11	office 20:11 85:2,11
nationally 21:17	66:15 83:7 141:23	normally 21:1	observations 57:17	85:16 97:5 100:11
25:15 53:5	143:8,11 147:2	note 16:25 19:16	observe 19:15	106:20 107:24
nature 13:12 14:6	148:21,22 153:13	39:21 49:19 52:10	observed 61:11	119:8,13 145:14
37:16 92:12	156:6,10 160:11	53:20,20 64:4	observing 17:1	Office's 32:4
100:14 101:22	negative 18:2	65:11 70:1 109:13	41:5 72:12	officer 48:24 50:4
112:14 129:14	153:23	128:3 154:4	obstacle 64:12	69:21,24 75:5
135:20 158:1	negatively 120:13	noted 4:2 91:24	obstacles 64:9,12	93:15 96:5,7,9,18
NDA 33:22	negligence 31:24	notes 53:15 118:21	obvious 30:18	99:10 100:16
nearly 10:14 46:25	neither 3:20 54:6	126:20	114:7 131:1	101:17 140:17
neat 83:18	117:23 131:8	notice 85:4 116:1	obviously 21:6,13	officer's 38:9
necessarily 29:15	neutral 108:25	127:5 144:25	22:10 31:11,16	officers 38:1 58:6
30:11 51:17 85:21	109:3,4,6,7	153:25	44:18 48:25 52:4	71:8,15 97:25
86:24 91:17 95:18	never 7:24 9:1	noticeboard 43:14	52:18 55:6 56:8	102:21 104:7
104:25 105:6	14:16 29:23 30:17	43:19,19	60:20 64:24 71:17	offices 56:14
108:8 110:7	54:17 64:12 95:23	notices 109:4	108:7 118:13	100:11
112:20 113:3	112:4	notion 141:20	121:20 129:25,25	officiate 55:19 56:2
129:6,9 142:13	new 39:14 67:4	Nottingham 19:2	130:25 138:4	57:13,18
143:24 162:20	79:3,3 114:16,19	notwithstanding	151:17 155:6	officio 108:8
necessary 1:20 56:7	126:16,17 132:16	106:2 113:15	162:4	Ofsted 155:8
63:4 109:9,10	161:19	November 12:2	occasional 165:15	often-heard 150:11
148:10 153:3	newly 58:8	NSPCC 26:16,20	occasionally 160:1	Oh 29:8 80:12
159:16 161:9	NHS 51:23 52:5	139:1	occupied 44:22	147:11 153:17
necessity 153:10	59:7	NST 112:25	occur 114:25	160:3 162:19
need 7:1 21:22	nice 105:8	number 6:24 7:3,8	122:23 147:12	old 88:11
40:14 43:23 46:6	Nicholas 162:9	11:17 14:10 18:18	occurred 24:14	older 79:12
51:19 52:20,22	Nicholls 95:9	22:13 24:9 25:9	30:17 70:16	ombudsman-type
54:7 55:16 82:22	Nigel 19:14 26:23	27:20 42:16 44:19	103:20 139:12	46:9 157:16
82:22 86:23 90:12	night 1:8	44:20 45:7 49:4	occurring 67:9	omega 144:22
94:19 96:4 103:4	nine 5:17	52:14 63:2,9	offence 67:15,18,18	omissions 127:25
103:13 104:22	No-one 99:16	73:13 91:21 97:24	68:19 85:1 86:10	once 92:9,11,24

93:2,6 114:10 one-to-one 96:7 ones 102:15 137:23 ongoing 46:15 53:18 66:12 70:9 online 39:14 41:25 43:3 53:9,10,11 67:25 145:6 onus 132:23 onwards 25:2 45:3 96:14 open 18:12 114:16 114:20 opening 136:13 openness 77:16 operate 157:25 Operation 28:20,21 operational 64:6 65:11 opportunities 146:7 opportunity 13:20 24:12 73:24 106:11 117:14 145:6 opposed 71:15 107:4 opposite 34:23 option 161:23 options 83:9 163:20 oral 106:15 116:5 orally 94:24 ordained 40:5 52:19 80:7 161:15 order 33:13 49:6 111:22 143:12 orders 52:11,12 ordinand 147:7 ordinands 146:24 ordinands' 146:19 ordinary 71:21 128:7 ordination 61:3,7 61:16 147:1 organisation 148:4	148:19 156:8 organisations 39:4 59:15 138:20 148:16 organising 71:9 organist 128:12 original 126:23 ought 147:9 out-of-time 88:2 90:12 outbreak 22:14 outcome 12:19 59:23 outcomes 112:11 156:17 outline 62:6 outlined 25:25 37:6 58:10 61:13 142:16 156:16 outlook 145:18 outset 74:3 outside 78:17,22 148:15 outsider 152:21 outsourced 39:3 overarching 14:1 overegging 33:17 overhaul 66:15 overnight 143:8 150:1 overreach 13:25 overreaction 16:22 overrule 83:3 oversee 63:19 64:5 overseeing 135:2 oversight 48:24 58:22 65:12 66:2 overview 134:6 142:8 overwhelmed 71:19 overwhelming 137:12 Oxford 131:17	P	118:25 132:6,6 136:13,17 144:6 144:15 152:14 157:2 paragraphs 3:12 29:10 45:2 46:22 48:20 60:1 93:21 104:16 106:18 110:5 121:19 123:19 133:12 135:13 144:5 paramount 23:22 parapet 48:2 parcel 146:9 parents 151:6 parish 40:13 42:3 42:23 43:14,19 44:10,14 49:11,12 50:16 56:24 57:11 72:11 77:8 128:11 128:11,16,19 129:1 140:17 143:9 145:8 149:19,20 153:7,8 153:25 parishes 39:6,11,24 40:4,11,25 41:1 42:1,3,19,22 43:5 43:22 47:14 66:6 129:5 159:17,20 160:1 parochial 145:5 153:14 part 2:11 30:1 35:13 37:2 51:6 51:11 101:2 120:22 123:8 125:10 131:10 134:23 143:9 146:8 148:10 151:18 participants 8:14 64:2 165:2 participate 5:19 participation 5:21	6:6 particular 8:21,21 30:15 37:18 43:16 73:5 76:1,23 85:18,24 88:25 103:2,15 107:11 111:19 121:11 125:8 128:2 149:6 161:3 particularly 26:4 36:7 49:13,15 73:11 90:8 96:16 99:14 101:9 142:21 148:13 151:7,9 157:1 partly 70:8 parts 139:22 144:19 149:1 152:5 party 81:21,23 131:25 pass 73:16 82:15 122:8 163:23 164:6 passed 138:12,13 pastoral 77:12 99:24 100:5,7 pattern 89:1 patterns 88:24 132:14 Paul 1:19 23:14 29:6 30:21 74:5,7 83:15 87:7,12,16 91:25 93:16,23,23 96:4 144:2,17 pause 11:24 pay 107:19 paywall 18:13 PCC 108:4 PCCs 107:23 108:8 PCR 117:25 118:2 120:25 121:17,25 123:15 peace 26:9 Pearl 89:12,15
--	---	----------	--	--

131:15 134:15 peer 147:3 penalties 110:21,25 111:8 penalty 84:7,8,21 85:2 103:7 110:19 111:2,2,3,4,15,19 pending 108:22 penitent 78:9,11,13 people 7:8,15 9:22 15:15 17:4 18:14 18:21 22:11 25:13 26:12,24 30:25 37:1,17 39:5,9,19 40:8 45:14 52:18 52:19 58:12 59:21 60:1,15,16,17 66:7,8 67:8,9 69:22 89:2 95:16 95:18 97:15 106:5 107:22 108:9 121:10 123:11,24 123:25 125:10 138:16 139:11 141:13 145:14 146:1,15,25 147:21 148:17,22 149:11,12,21 150:6,7,18 151:5 154:23 156:11 157:13 158:18 159:12 160:8 163:20 people's 146:10 156:10 perceived 25:21 148:22 percentage 13:1 perfectly 28:4 99:11 period 28:20 81:14 90:7,14,16,20 91:3,4 93:17 135:9 145:17 165:25	Perkins 1:3,8 29:8 48:14 69:16 70:20 70:21 88:21 162:7 162:14 166:18 Perkins' 23:9 25:5 permission 55:19 56:2 57:18 permitted 118:21 166:7 perpetrated 72:7 Perry 28:20 person 6:5 10:4,5 12:14 16:16 18:24 28:13 31:9 36:11 36:12 39:17 41:4 41:4 56:1 58:8 60:11 61:18 69:5 88:18 91:10 94:19 94:23 97:12 105:5 147:25 148:7,8,12 152:10 person's 10:12,14 13:15 94:20 personal 77:15 100:15 150:23 personally 57:19 141:11 165:19 personnel 41:3 42:3 55:1 65:9 72:11 perspective 2:21 15:25 34:4,6,9,10 34:18,25 56:12 81:17 87:24 125:9 140:19,22 152:1 perspectives 141:2 persuaded 16:11 157:8 Peter 116:12 121:11 164:23 petition 85:14,22 petitions 85:21 phone 41:7 phoned 57:1 phrase 14:2 36:9	57:18 107:14 132:20 137:15 phrases 125:12 physically 77:11 pick 54:18 109:25 139:25 picking 126:7 picture 127:12 piece 37:19 131:9 134:15 140:8 165:15 pieces 124:5 134:13 pin 152:6 pipeline 114:9 place 4:4 25:9 42:8 42:21,24 44:12 50:18 64:15 92:3 101:20,20 143:12 147:9,17 159:14 placed 44:7 117:11 164:14 places 35:7 132:22 plain 114:13 plainly 68:13 118:21 please 1:19 9:13 30:21,21 73:19 74:5,7 78:5 83:16 87:7,17 91:25 118:16 126:13 144:15 154:9 plenty 28:2 PloS 18:10 pm 109:13,18,19,21 154:7,12,14 166:11 pockets 47:15 point 3:22 6:4,14 11:19 15:10 21:4 26:3,5 28:21 29:23,24 30:15 33:8 34:17 37:18 39:7 43:12,16 45:10,21 52:3,5,9 59:18,25 61:6,21	66:25 67:1,7 69:18,21 70:6 71:6 78:4 96:14 104:24 105:8 111:22 114:14 121:15 124:10 126:14 131:14 132:9 133:25 134:5 135:1,7,8 136:10,21 139:13 152:2 153:21 156:4 159:9 points 2:4 8:21 9:9 9:14 11:16,17 12:24 14:25 23:16 24:17 30:19 31:18 70:25 71:18 110:1 113:19 123:7 141:5 142:7,17 145:15,20 157:10 police 6:17 21:12 21:23 27:20 28:11 28:17 38:2,12 40:22,25 46:16 53:18 54:23,24 59:1 77:7 78:12 93:7,14 157:24 159:10 160:4 policies 50:12 51:6 51:7,24,25 86:9 87:3 106:22 108:6 119:25 policy 38:15,16,17 38:18 43:20 44:7 49:16 52:9 64:15 86:19 106:25 107:4,5,6,9,12 108:17 115:3 123:13 144:25 popped 87:10 popular 26:18 27:2 populated 58:12 population 56:20 porch 145:1 posed 119:11	posited 159:5 position 78:8 91:20 105:25 113:1 161:18 positions 77:2 positive 16:8 143:13 152:18,25 153:3,20 positively 120:13 positiveness 153:13 possibility 61:14 possible 26:14 62:18 65:17 68:11 68:12 69:12 70:5 87:3,22 90:21 99:7,11,14 103:2 106:23 113:16 116:6 148:3 164:25 165:15 possibly 25:24 32:13,17 34:2 39:7 57:16 96:12 129:4 157:18 post 6:22 42:2 60:9 postdate 126:2 posthumous 19:19 20:8 44:19 potentially 149:8 power 77:10 85:18 92:9,14,20,22,24 93:11 108:21 120:5 powerful 26:11 150:17 powerfully 26:14 powers 50:7,10,13 51:9 85:12 92:8 92:18,25 93:4,4 practical 104:12 129:13 143:16,21 144:14 145:9 149:22 150:3 152:1,2 practically 82:13 129:16 140:20
---	--	--	--	---

<p>142:10 159:3 practice 3:2 38:18 42:18 47:1,7,13 47:15,20,23,23 64:15 74:9 76:9 76:10 81:7 90:17 91:6 96:15,21 97:20 98:2,4,10 100:8 101:21 103:24 105:12 106:1 113:6 134:1 144:19 147:1 154:25 158:25 160:23 163:3 practices 149:10 pre 61:16 pre-trial 36:13 preceded 79:2 precis 144:1 precise 139:5 precisely 17:2 107:25 predate 126:1 predecessor 133:22 133:23 predecessors 74:24 122:12 predicted 17:3 preface 113:3 prefaced 109:10 prefer 17:11,13 preferred 58:8 preliminary 82:16 92:10,16 93:3 105:14 premature 70:17 70:18 preordination 146:25 preparation 165:22 prepare 102:6 122:2,3 prepared 7:7 present 5:5 63:10 96:25 98:1 155:18</p>	<p>155:20 165:11 presentation 143:23 presented 20:12 153:15 presents 93:12 president 83:2,3,14 84:6,13 90:15 102:11,12 103:10 111:1,5 press 127:5 prevalence 132:14 preventative 141:17 prevented 45:11 preventing 141:13 prevention 149:4,7 161:22 previous 60:20 71:17 119:2 163:8 previously 5:18 35:14 58:2 66:18 75:1 86:14 113:9 138:17 priest 56:23 78:11 78:20,23,23 80:12 80:13 81:2 85:11 85:14 132:22 priests 12:3 107:23 141:19 145:8,12 primarily 46:13 53:12 58:21 164:21 principal 23:13 principle 71:9 108:2 principles 32:4 prior 61:3 75:16,20 104:4,23 106:4,19 priority 148:25 prisons 51:4 private 15:22 98:3 proactive 45:12 probabilities 82:2,9 95:7,12,13,13,14</p>	<p>probably 9:25 22:10 28:19 33:15 38:11 54:14,24 65:3 72:3 116:21 157:6 probation 37:8 38:1,9,12 40:25 59:7 69:21,24 73:4 problem 13:12,13 13:13 14:6 20:23 32:20 41:8 91:24 104:12 105:11 108:1 129:14 160:17 problematic 67:12 67:21 160:22,22 problems 14:2,20 20:21 55:9 64:13 81:8,18 87:22 102:15 126:4,4 130:5,5 139:5 145:3 154:19,21 procedure 84:25 85:5,7 95:23 111:1 procedures 49:17 62:16 96:1 101:19 108:13 proceed 113:11 proceedings 74:12 102:19 104:23 113:8 161:10 process 1:14 3:16 4:1 7:21 8:1 11:8 11:14 21:18 22:19 28:7,12,25 32:21 34:5 60:6 63:4,11 82:10,13,19 84:17 88:8 93:25 101:3 102:3 120:22 121:5,22 122:21 122:23,23 123:8 123:18,21 138:25 145:18 147:24</p>	<p>processed 21:8 processes 6:9 produce 133:18,25 produced 22:3 75:12,15 76:6 90:3,18 133:5,10 133:16 134:15 135:25 producing 94:22 productive 140:3,4 PROF 70:24 72:19 professional 8:3 37:25 38:4 40:19 69:20 70:10 75:13 77:15 98:2 108:15 140:19 158:10 professionals 28:3 39:10 101:2 102:9 132:25 150:10 Professor 32:5 155:3 programme 120:1 programmes 150:24 154:22 progress 16:17 44:9 135:18,20 136:2,9 prohibit 85:11 prohibition 85:3 103:9 proof 9:15 12:18 74:15,17 81:4,4 95:4,6 proper 46:6 82:20 88:10 92:13 100:7 103:21,23 104:11 properly 28:12 proportion 45:4 71:25 proportionality 139:14 proportionate 63:5 140:2 proposal 34:1 propose 116:6</p>	<p>proposed 115:24 proposing 158:24 pros 158:19 prosecuted 30:6 prosecution 30:8 prosecutions 60:5 prosecutorial 28:7 prosecutors 102:22 prospects 30:7 protect 97:11 protection 36:18 37:10,15 38:6 46:4,5 53:11 59:4 67:25 87:24 88:9 106:25 118:24 123:13 133:20 140:20 150:18 153:24 165:9 protective 65:22,25 Protects 41:21,24 42:9 43:6,11 47:17 50:17 59:12 59:22 protocol 117:22 121:24 123:1,10 124:11 128:14 133:15 protocols 149:25 proved 13:10,17 29:15,16 61:12 87:2 137:12 provide 9:8,20 34:21 46:11 51:3 79:3 88:19 91:11 94:15,17 140:12 148:4 164:20 provided 9:18 29:3 29:21 44:11 63:22 64:22 73:22 121:13 165:21 provides 43:3 84:25 providing 34:6 40:24 provision 99:6</p>
--	--	---	---	--

psychological 19:13	42:9 43:6,11,24 47:17 50:17 59:6 59:12,22 98:13 142:1,6,11,14	151:14 155:18 156:18 161:1 165:14	reader 161:17 readers 124:12 reading 132:7 164:5 reads 74:7 164:18 ready 87:17 real 18:3 40:6,11 47:5 realise 90:12 98:24 realised 59:19 realistically 9:25 10:7 reality 128:18 really 5:24 7:1 10:5 11:8,12 13:22 14:24 15:6 16:3 17:22 20:22 21:16 29:19,20,21 31:10 38:10 48:1 54:7 69:2 70:7 81:25 84:3 100:23,24 108:17 110:24 123:7,20 127:9 130:11 134:13,21 138:2 141:7,8 148:20 149:20 161:14 162:7 163:9	39:15 111:16 122:15 134:6 138:1 receiving 82:15,20 recognise 63:6 143:6 recognised 42:13 42:17 recognises 147:18 recognising 49:7 134:25 recollection 29:23 100:19 117:23 165:11 recommence 166:8 recommendation 34:11 38:1 62:14 70:10,17 recommendations 91:22 96:12 122:8 129:12 134:16 135:11 137:2,8,12 137:18,25 recommended 56:4 recommends 29:1 reconsider 130:21 reconsideration 131:4 record 4:22 5:8 18:5 53:1,3,4,8 54:9 77:19 111:25 112:3 117:10 137:4 142:11 recorded 76:6 95:1 122:14,14 125:17 129:8 recording 142:1 records 55:9 124:16,17 125:10 142:15 recruit 38:11 59:20 recruited 35:19,20 36:17 50:4 69:19 recruitment 149:10 rectified 86:6
PTO 55:23 56:5,8 56:11,15,20,25 57:3,5 63:3 122:18 124:14,18	quasi 21:18 quasi-insider 140:22 quasi-investigative 46:10 query 156:14 question 11:17 30:12 42:3 46:25 56:1 57:15 59:21 64:4,18,25 66:18 67:6,23 68:20,21 70:22 71:1,12,17 72:9,20 81:3 89:4 98:19 100:25 102:18 107:2 110:9,24 113:3 114:7,22 128:23 130:7 131:21 146:22 151:12 157:11 163:6	quote 19:13 26:24	rearranged 71:10 reason 25:15 85:6 90:2 105:20 130:25 131:2,6 159:23 163:14 reasonable 69:5 76:9 94:1 reasonably 163:19 reasons 2:3 19:13 116:4 162:12 164:24 recall 100:17 165:20 receive 55:3 67:9 87:16 89:5 98:9 98:11 received 25:10	
public 9:1 14:8,19 15:17,21 16:3,9 16:15 22:11 31:21 59:4 155:21 157:15	questionnaire 136:1 questions 46:19 59:25 63:14 69:11 70:23 95:3 98:25 109:16 115:9,10 115:11 121:4 128:15 136:2,16 136:19 145:7 154:3 156:23 163:22,25 166:22 quietly 121:12 quite 5:24 18:11 26:5 39:23 45:3 59:10,11 78:4 83:18 97:6 101:4 107:6 114:15 115:6 121:20 123:17 126:5	raise 27:5 32:6 77:13,14 94:12,18 100:10 113:22 124:20 raised 8:2 44:1 88:2 90:7,10 91:9 93:19 94:3 95:3 102:18 125:19 145:21 159:2,2 raises 30:20 31:18 100:25 raising 137:15 150:9 range 41:7 57:5,19 ranges 56:23 ranging 40:18 134:8 rapid 12:1 re-examine 126:22 re-examining 127:4 re-read 156:25 reached 8:10,24 165:19 reaches 9:11 reacting 25:13 reaction 5:11,14 17:2,3,23,25 18:1 134:17 reactions 16:20 17:15,15,18 19:16 read 17:10 19:14 27:14 56:3 73:24 74:16 107:6 115:25 116:7,9,11 116:13,21 117:14 118:20 132:8 157:9 164:7,8,11 164:12 167:8 Reade 162:9	reader 161:17 readers 124:12 reading 132:7 164:5 reads 74:7 164:18 ready 87:17 real 18:3 40:6,11 47:5 realise 90:12 98:24 realised 59:19 realistically 9:25 10:7 reality 128:18 really 5:24 7:1 10:5 11:8,12 13:22 14:24 15:6 16:3 17:22 20:22 21:16 29:19,20,21 31:10 38:10 48:1 54:7 69:2 70:7 81:25 84:3 100:23,24 108:17 110:24 123:7,20 127:9 130:11 134:13,21 138:2 141:7,8 148:20 149:20 161:14 162:7 163:9	
publicity 9:3,4 publicly 126:11,16 published 12:2 132:11 134:19 140:9,10 publishes 20:7 pull 90:4 purely 8:10 57:17 120:15 purpose 32:22 purposes 104:17 117:6 127:24 133:9 pursued 105:21 pursuit 123:12 put 1:10 24:1 33:6 33:13 39:11 53:20 60:1 62:10 67:3 68:4 82:23 83:6 87:7,21 88:19 90:23 91:11 94:5 97:18 101:20 130:23 131:20 143:12 159:14 puts 33:16 88:9 putting 33:16 43:24 146:1	Q	qualification 123:4 qualified 37:13 60:10 123:2 qualitative 135:20 quality 41:20,24		

<p>recurring 125:5</p> <p>redeployed 139:16</p> <p>redress 13:8,20 63:8 65:7,7</p> <p>reduce 131:11</p> <p>reduced 127:3,4 149:13,14</p> <p>refer 12:24 41:20 72:16 96:19 118:21 126:19 166:4</p> <p>reference 2:22 5:2 44:25 72:22 74:10 76:20 143:22 164:13</p> <p>referral 56:1 60:22</p> <p>referred 84:18 136:10</p> <p>referring 46:15 72:20</p> <p>refers 71:1</p> <p>reflect 17:15 115:20 136:14</p> <p>reflection 2:19</p> <p>refresh 118:22 135:12</p> <p>refusal 4:23,24 5:9</p> <p>refuse 145:12</p> <p>refuses 78:13</p> <p>refuted 8:14</p> <p>regard 4:21 5:7 24:16,20,25 50:11 64:14 74:14 86:8 86:11 106:21 107:3,12,13,15,15 107:18,19,21 108:1,6,11,17</p> <p>regarded 158:25</p> <p>regarding 1:16 63:25</p> <p>regards 9:15 13:3 26:2 34:11 46:23 52:3 68:19</p> <p>register 60:8</p> <p>registered 38:7</p>	<p>72:6</p> <p>registrar 7:12 82:16 92:11,16,19</p> <p>regone 138:6</p> <p>regularly 55:14,14</p> <p>regulate 50:7 51:10 57:15</p> <p>regulation 155:6</p> <p>regulatory 158:7</p> <p>reinstatement 60:9</p> <p>reinstatements 60:13</p> <p>rejected 33:25</p> <p>relate 77:2</p> <p>related 10:17 74:24 102:25 111:22 123:8 126:17</p> <p>relates 90:9</p> <p>relating 71:19 112:2 164:21 165:5,12</p> <p>relation 74:9 80:6 80:14 85:8 95:3,5 108:4,20 112:8 114:1 124:11,12 124:13,18 125:14 126:16 130:6 137:25 141:12 153:10 156:19,19 157:19</p> <p>relationships 154:18</p> <p>relative 97:1</p> <p>relatively 30:18 70:2</p> <p>Relativity 164:13</p> <p>relevance 79:18</p> <p>relevant 2:4 71:22 73:4 76:22 78:24 80:2 82:14</p> <p>reliable 130:12</p> <p>relied 76:21</p> <p>religious 18:15</p> <p>religiously 17:4</p> <p>relooked 130:25</p>	<p>reluctance 125:9 160:2</p> <p>reluctant 66:21,23</p> <p>rely 43:17</p> <p>relying 10:19,20</p> <p>remainder 139:22</p> <p>remaining 116:19</p> <p>remember 89:14 90:1 100:21,21,24 103:4 125:22</p> <p>remembered 16:6</p> <p>remind 17:8</p> <p>reminders 100:9</p> <p>reminds 100:6</p> <p>remit 136:14</p> <p>removal 85:2 104:25</p> <p>remove 85:11,16</p> <p>removed 91:4 105:3 149:14</p> <p>removing 157:4</p> <p>repeat 139:19</p> <p>replaced 79:9,14</p> <p>replicated 20:4</p> <p>reply 5:1</p> <p>report 1:9,14 11:22 11:24 12:21 13:24 22:5 23:10 25:23 27:7 28:25 30:3 33:17 34:14 36:10 41:6 45:24 46:14 66:21,23 67:10 68:6,24 69:3 78:11,20 82:17,21 90:4 92:17,19 93:18 106:7 108:5 108:5 125:6 126:9 126:16 133:25 134:2,10,18 142:10 153:15,18 159:6,7,8,10 160:2,3</p> <p>reported 51:17 66:24 67:16 68:23 77:6,18 92:11</p>	<p>125:4 145:4 159:18</p> <p>reporting 65:3 67:7 67:11 68:21 69:2 159:4,22 160:7</p> <p>reports 133:4,6,10 133:16 134:6,14 134:23 135:8 142:9</p> <p>represent 98:5 132:11</p> <p>representations 84:10</p> <p>representatives 106:15 110:2</p> <p>representing 63:15</p> <p>represents 111:24</p> <p>reputation 23:23 24:2,23 25:6,7,13 33:15</p> <p>request 88:19 91:11</p> <p>require 34:22 55:17 78:11</p> <p>required 38:11 50:16 51:1,2,7 70:4,6,11 155:15 161:25</p> <p>requirement 13:11 68:4,6,24 91:15 122:25 123:4,5</p> <p>requirements 70:14</p> <p>requires 152:15 162:1</p> <p>research 11:20 12:25 17:3 19:3 19:17 26:16 27:4 65:24</p> <p>reservations 3:24 4:1,3</p> <p>resourced 135:1</p> <p>resources 148:20 149:9</p> <p>respect 20:7 33:2</p>	<p>48:15,20 51:10,16 61:24 67:19 74:14 85:12,24 90:13 99:24 140:15,24 141:1</p> <p>respected 5:19</p> <p>respond 2:2 13:18 16:17 22:4 23:18 96:17</p> <p>responded 33:19 136:3,22</p> <p>respondent 82:23 82:23 83:6,24 84:8,18 85:13,14 86:17,19 93:12 105:16,17 107:11 109:6</p> <p>respondents 85:20 99:25</p> <p>responding 6:10 20:25 29:13 141:23 165:5,13</p> <p>response 4:19 13:9 24:3 26:8 31:13 36:7 46:11 64:5 65:1 87:16 89:5,6 147:19</p> <p>responses 18:10 114:3,5,6,10 120:11 122:15 130:21 141:9</p> <p>responsibilities 38:14 48:15</p> <p>responsibility 48:17,17 99:23 100:4</p> <p>responsible 50:20 53:8 65:21 66:9</p> <p>responsive 65:21 65:24</p> <p>rest 162:16</p> <p>restatement 95:11</p> <p>restricted 80:16</p> <p>restrictions 80:20</p> <p>result 2:8 61:9</p>
---	--	---	---	--

95:20 100:22 127:14 results 132:11 retained 152:12 retains 110:8 retired 56:23 57:11 57:12 63:3,7 80:8 89:10 122:18 124:18 165:7 retirement 135:8 retiring 87:18 89:9 retrospectively 137:18 return 48:9 111:13 135:22 154:7 returns 119:14 131:1,5 133:5 revelations 151:22 review 2:9 3:7 4:10 5:23 6:23 8:4 21:13 32:21 44:9 49:16 65:9 83:2 83:13 84:5 118:3 118:5 120:24 121:8 122:17 123:10 125:15,21 126:1,11,22,23 127:13 128:10 129:21 136:13,15 136:22 137:1,1,16 138:10 139:20 140:9 147:3 reviewed 114:4,11 121:22 123:14 125:22 reviewer 122:2,4,7 122:16 123:1 127:16 reviewers 125:5,18 136:24,25 reviews 8:5,6 65:10 120:12 142:3 159:20 revised 76:12 81:25 Revision 106:14	reworded 157:7 Rideout 12:9 right 3:3,7 6:12 7:6 7:21 8:15 16:1 28:16 33:19 36:15 42:6 46:6 69:8 75:11,12 76:8 79:25 80:8 83:13 83:20 88:16 103:19 105:13,23 105:24 106:10,12 106:22 110:15 113:10 114:2 117:7 132:17 133:24 143:1 147:6 149:17 151:8 160:24 161:11 162:6,19 rightly 15:16 20:21 21:21 149:15 rigorous 70:5 145:13 ring 109:8 ringers 128:6 risk 41:1 60:7,8,8 60:10,11 61:17,18 61:25 62:4,11,24 62:24 63:11 65:8 89:2 93:12 119:11 157:4 161:7,10,20 161:25 162:2,4,18 163:11 ritual 79:19 robust 137:6 Roger 63:17 66:16 115:15,19 117:1,4 117:6,13 118:12 124:4 133:13 136:18 140:14 152:17 154:8,15 163:24 164:1 167:3 Roger's 116:23 117:19 143:22 role 6:4 21:16 36:2	36:5 38:13 40:17 46:13 87:19 97:23 101:25 104:8 119:22 120:10 121:12 142:13,14 148:12 151:4 161:12 role/responsibility 99:24 roles 40:19 48:14 119:2 roll 80:19 141:8 144:5 rolled 38:22 room 15:10 22:11 107:16 rota 39:13 round 161:1 route 119:14 127:7 routes 110:16 routinely 129:9 rule 31:21 110:1 111:23 rules 13:7 51:13,14 149:23 150:1 run 13:11 14:5 23:15 144:8 155:16 runs 25:25 <hr/> S <hr/> sabbatical 135:9 sacrament 151:19 sacred 132:20 sad 12:19 safe 55:3 150:15,19 safeguarding 16:19 22:3 28:2 31:3,14 35:9,12 37:4,5,24 38:20 40:4,7,14 40:18,19,24 41:25 42:15,16,18,20 43:13 44:7 46:21 46:23 47:6,10 48:23 49:21 50:4	50:8,12,20 51:5 53:21 54:1,10 55:8 56:12 57:22 57:23 59:2,3 60:12 62:7 63:19 63:19,25 64:16,20 65:16,18 66:5 69:19 70:3 71:4,7 71:13 77:2,9,17 77:20 79:24 80:2 85:8 86:5,6,9,11 86:18,19 87:3,20 93:17 97:21,24,25 99:10 101:2,6,9 101:10,10,16,17 101:22,22 102:8 102:15,25 103:20 103:23 104:5,7 106:22 107:4,5 112:2,8,21,22 115:1 118:2,4,24 119:7,17,18,21,23 120:2,4,18 122:1 125:8 128:18 129:8 131:16 134:1 139:17 140:15,17,18,25 141:1 142:21 143:14 145:5,15 146:5,23 147:4,7 147:8 152:23 153:1,11,15 154:25 155:11,16 155:20 161:20 162:16 165:5,9,12 safeguarding-spe... 106:17 safely 62:10 Safety 155:10 sat 82:6 95:23 118:3 satisfied 27:11 satisfy 148:2 saved 89:16 saw 124:8	saying 16:3 32:2 34:19 35:11 37:21 37:25 47:9,9 69:23,25 100:20 128:3 149:25 150:12 159:21 160:11 163:10 says 6:14 23:10,20 24:19 27:8,12 37:12,15 76:14 78:14 87:18 89:9 96:3 100:10 101:8 105:19 scale 132:12 scant 24:15,20 124:24 scenario 12:7,9 schedules 135:15 school 53:12 56:6 59:17 schools 150:25 151:6 SCIE 142:3 159:20 Scolding 1:5,6,7 48:7,9,14 69:11 70:20 73:16 115:17,19 117:2,3 154:3,7,8,15 163:22 164:4 166:20 167:5 Scorer 63:15 66:19 111:23 scratch 150:22 screen 17:12 23:17 83:16 87:7,13 90:5 118:15 scrutiny 58:21 82:17 92:10,16 93:3 105:15 seal 52:7 77:25 141:24 151:14,20 second 4:11 10:17 17:10 31:15 32:15 88:17 110:9 123:17 124:10
---	---	---	--	--

128:9 131:14 134:18 136:10 141:7 144:12 secondly 4:12 5:22 9:1 11:10,25 93:2 116:9 118:16 140:21 147:13 161:13 162:13 secondment 36:18 36:19 secretary 7:11 section 31:25 85:7 86:6 110:25 153:1 sector 42:13 60:21 158:9,9 secure 53:10 see 14:20 15:24 34:1 67:5 83:21 87:15 89:8 97:3,7 97:9,15 110:10 111:19 112:5 118:15 130:13 141:12,16 146:6 149:17 152:22 154:24 156:7,18 seeing 36:13 145:25 seek 4:9 5:21 6:8 14:5 77:21 83:1 83:13 seeking 56:2 148:1 seeks 19:3 seen 21:22 115:24 130:7 134:13 136:6 137:11 165:23 selection 119:2 self-identity 19:8 seminars 97:25 send 134:3,11 senior 58:12 59:11 59:15 100:12 122:12 137:13 sense 66:24 70:24 100:1 134:19 137:10 146:10	150:8 151:8 158:22 sensible 8:20 140:2 158:25 163:19 sensitive 147:25 sensitively 98:13 sent 6:23 87:14 122:15 134:19 135:25 136:4 sentence 5:16,25 17:10,10 90:5 103:8 118:1 157:1 sentences 134:9 separate 49:8 84:25 separately 45:17,22 54:11 separating 28:5 separation 31:4 September 2:23 series 42:5 121:9 128:15 137:2 serious 8:5,6 15:19 49:3 55:11 65:10 128:9 136:8 153:24 157:12,25 seriously 3:1 31:19 153:11 serves 127:6 service 35:21 46:9 46:10 49:18 59:8 60:23 119:8 157:17 services 35:22 41:7 151:10 sessions 106:13 set 2:3 3:11 12:1 35:7 38:23 41:17 45:3 58:24 70:4 75:12,19,21 76:1 76:15,18,25 77:5 80:3 81:21 83:17 84:24 95:20 104:15 107:3 108:14 110:4 118:25 121:6,18	123:20 132:2,5,23 133:12 136:19 158:15,21 160:11 166:2 sets 51:24 70:6 72:24 75:24 77:13 78:8 158:7 setting 18:22 19:11 27:1 77:12 107:4 160:10 settings 19:10 26:17 162:24 settle 22:25 23:2 32:13 settled 27:18 34:14 settlement 9:2 34:21 settling 115:19 156:1 seven 19:25 44:23 64:9 69:24 sex 38:7 41:1 72:6 90:13 101:15 103:5 sexual 9:17 10:11 11:21 18:10 26:2 31:23 33:3 35:22 35:23 36:3 44:21 49:4 51:16 59:5 60:4 67:15 71:8 71:14 72:1,5 78:1 88:22 90:9,25 96:16 101:11 102:20,21,21,22 103:1,12 129:19 151:23 165:5,13 sexuality 154:20 155:1 sexually 26:17 shared 135:3 she'd 3:23 89:10 shebang 57:12 Shirley 35:15 short 48:8,12 103:14 109:20	116:3,11 154:5,13 shortcoming 128:9 shortcomings 138:14,18 shortly 17:21 show 32:18 40:3 65:24 111:14 shows 12:25 19:17 side 14:18 16:8 97:19 99:18 139:9 141:17 153:9 sign 34:22 94:11 signed 94:15,16,17 significant 7:16 33:11 39:2,10 46:19 56:9 93:12 114:25 120:12 123:17,23 130:4,5 140:23 significantly 81:25 114:15 signs 72:14 152:22 152:24 silent 128:14 similar 19:17 61:5 85:12 125:14 138:25 simple 41:20,24 42:5,5,9 43:6,11 47:17 50:17 59:12 59:22 103:14 151:25 simplest 12:20 simply 2:24 3:25 9:14 28:1 70:1 94:5 100:21 136:20 145:12 single 10:21 36:1 42:3 75:21 95:24 96:12 125:5 132:3 Singleton 115:15 117:1,4 167:3 Sir 70:21,24 72:19 115:15,19 116:23 117:1,4,6,13,19	118:12 133:13 136:18 140:14 143:22 152:17 154:8,15 163:24 164:1 167:3 sit 63:4 75:8 146:15 site 18:12 sitting 146:13 situation 15:17 21:5,8 24:15 31:10 41:10 93:10 132:12 141:24 161:8 situations 53:6 129:17 six 31:23 45:5,6 80:18 skill 36:11 37:23 70:4,6 72:24 skilled 148:20 skills 39:10 SLA 50:3 Slater 63:16 111:24 sleeping 150:2 sleeves 141:8 slight 79:7 slightly 33:16,17 49:25 64:6 77:4 slowed 45:13,15 small 13:1 52:14,15 52:24 136:21 so-called 135:23 social 18:9 36:19 37:10,13 38:6,10 38:12 69:21 119:14 150:23 solace 152:19 sole 12:5,6,7,12 solid 147:9 solutions 47:2 solve 129:14 143:7 somebody 11:7 21:11 34:4 37:14 51:14,15 59:7 63:6 67:14 85:5
--	--	--	--	--

94:12 99:6,9,12 99:20 101:8 104:20,21 146:13 162:2,25 somebody's 19:8 somewhat 67:12 154:20 soon 92:17 sorry 11:18 17:8 26:7 52:19 69:12 69:14 92:2 93:23 105:21 130:6,13 144:8 sort 7:7,20 8:5 14:1 16:8 17:22 34:16 41:15,21 42:22 43:2 46:10,11 58:16 65:9 82:1 91:1 105:6 107:8 110:12 111:13 114:8 122:22 128:15 129:23 133:21 134:5 135:2 137:14 138:25 142:22 145:9 146:13 147:10 150:5 153:16,23 154:17 157:16,16,18,22 160:2,25 161:18 161:20 sorting 141:24 sorts 57:9 125:11 129:9,17 137:6 153:18 154:22 156:23 sought 9:7 30:16 sound 146:17 149:10 157:10 sounds 101:14 source 20:23 148:9 sources 124:2 space 116:19 sparing 154:1 speak 7:19 32:7	41:22 51:12 57:12 72:17 88:5 142:23 147:2 speaking 30:25 37:20 89:11 142:8 speaks 81:12 special 98:11 102:20,22 specialist 29:2 39:4 62:13 101:2 102:24 specific 52:1,3 74:10 86:13 90:23 98:17,21,22 107:23 146:22 specifically 28:11 79:7,24 87:5 90:19 94:4 101:8 101:15 106:1 108:5 112:2 115:2 119:9 specification 146:20 specifics 52:22 specified 107:22 speculation 130:15 speed 146:14,17 Speight 19:14 Speight's 26:23 spell 103:25 spend 104:15 149:8 spends 38:6 spent 47:17 53:6 139:15 140:5 split 58:16 SQL 42:19,22 43:12,21 44:10 52:22 square 156:4 SSSL 55:4 St 43:9 staff 25:16 26:19 50:5 58:16 115:5 122:12 126:25 137:13 165:17	stage 45:8 65:5 82:24 92:10 93:3 101:14,17 102:2,4 102:7,9 105:15 106:14 110:9 114:6 115:22 stance 46:4 standard 13:10 29:12,15,17 38:23 61:12 74:15,17 76:9,10 80:24 81:3,4,6 82:7 95:4 95:6,8,16,19 132:24 158:24 standards 75:22,25 76:4,16,17 142:2 158:7,13,15,16,16 158:21 start 2:12 3:19,22 28:16 44:9,13 68:18 98:25 144:7 144:21,23 150:22 started 2:15 3:17 34:5 starts 67:12 state 125:6 statement 1:12 2:4 2:24 3:10,12 5:17 6:1,17 7:18 8:16 9:6 12:16 14:15 17:9 21:19 23:8 23:24 24:5 25:3,5 25:25 26:15 28:1 28:18 29:7 35:8 36:1 40:12 41:18 45:1 48:21 58:11 60:2 73:23,25 74:6,22 76:15,24 76:25 78:6 80:4 82:13 83:17 84:23 84:24 93:21,22 94:10,16 96:3 104:17 106:18 109:24 110:5,14 113:9,23 114:8	116:9,10,12,13 117:9,20 118:20 119:1 121:2,20 123:19 126:7 132:6 133:13 135:14 152:16 161:4 164:6,8,11 164:14,16,17,21 165:1,23 167:7 statements 115:24 116:8,20 statistical 126:22 126:23 127:24 131:1 133:5 134:10 135:22 statistics 112:5 status 54:19 55:5,6 55:20 110:4 137:14 156:17 statutorily 119:10 statutory 21:15 58:6,13,15,18 60:21 77:19 78:12 78:20 127:7 stay 64:19,21 Steering 22:3 31:3 31:14 step 111:9 Stephen 131:18,19 134:5 steps 62:25 135:10 Stone 43:10 stop 110:15 126:13 130:14 stopped 71:11 stores 123:24 story 98:18 straight 130:17 straightforward 70:2 139:25 strand 122:10,11 strategic 58:21,21 59:24 strategy 61:10 stray 34:2	streetwise 150:7 strengthen 149:7 strict 13:16 striking 104:19 stringent 126:10 strong 49:14 64:16 67:2,3 152:15,18 152:22 159:12 strongly 10:4 struck 26:11 66:7 structure 73:9 142:25 143:5 structured 65:6 70:11 structures 6:9 51:5 struggling 67:22 stuck 163:4 students 26:18 studied 17:3 stuff 44:14 subject 51:12,12,13 75:16 84:5 108:13 165:16 submission 14:25 15:23 29:19 31:2 31:4 submissions 106:15 106:15,16 submitted 126:23 submitting 134:23 135:22 subsequent 62:5 subsequently 121:14 125:1 127:3,17 128:16 137:8 139:8 substance 82:18 92:13 substantial 1:24,25 20:3,5 44:24 50:15 54:13 136:4 substantive 164:5 succeed 82:4 109:12 succeeded 86:14
--	---	---	--	--

succeeds 84:16	100:5,8 148:9,12	68:8 69:2 159:11	talk 6:18 99:19	terms 2:22 5:15 8:1
successful 30:8	156:1,20	Sussex 27:20 28:11	111:7 143:15,18	11:19 23:25 24:25
41:23 126:3	supported 3:2	28:17 35:22 36:20	149:3 152:6	36:6 39:8 40:1
successor 89:12	91:17	42:14 58:7 59:1,2	talked 56:21	51:22 52:21 53:5
suffering 139:11	supporter 96:8	59:3	108:19 130:20	53:8 57:25 58:10
Suffice 7:3	97:1	sustainable 157:3,8	talking 3:19 4:1	59:10 71:25 73:2
sufficient 6:10	supporting 2:17	sustained 149:18	97:18 101:15	79:7,11 80:15
82:18 91:7 92:12	6:5 40:22 88:19	swapped 115:16	107:14 154:16	83:18 98:2,23,23
100:4 106:5 153:5	91:11	swear 94:4,8	talks 25:1 43:13	99:21 101:21
sufficiently 108:24	suppose 57:14	swift 85:10 152:14	89:11	102:5,6 103:7
109:3	140:22 155:10	sworn 73:19,20	targeted 139:22	107:8,14 108:6
suggest 12:20 24:5	supposed 107:19	117:1 166:24	tasks 70:4	110:19 111:6,18
57:21 68:3 96:24	134:3,11	167:3	teacher 60:25 61:4	126:2 127:25
131:9 165:23	sure 7:15 18:11	symptoms 72:14	62:8	133:2 142:12
suggested 6:20 23:5	21:14 27:19,21	synod 75:17 142:22	teachers 27:1,2	153:8 154:21
27:23 47:16 63:18	31:8 40:14 42:20	143:15,23 144:4	teaching 61:8	terribly 134:21
136:15 137:11	50:17 51:22 61:19	152:17	team 2:16 35:12,24	152:9
suggesting 2:6	66:8 68:8 69:1	synodical 106:13	36:14,14,21,23	test 28:9 69:5
suggestion 8:17	73:2 78:4,15	system 19:7,7 27:24	38:5 39:9 40:7	118:19
14:4 15:8,11 24:1	104:13 111:9	28:4 53:3,5,9,10	41:14,15 44:9	tested 29:11
25:23 46:13,17	112:21 126:20	53:11,12 54:9,12	45:18,22 46:21,23	text 87:17
159:5	149:10 159:21	65:6 82:1,2 94:25	47:6,10 49:10	texting 149:24
suggestions 13:2	surfaced 123:13	100:17 145:25	50:4 53:8,17 54:1	thank 17:14 28:6
46:8 64:22	surprised 5:15,16	systematic 100:13	54:4,14,20 55:15	29:5,9,11 30:10
suggests 26:23 33:8	5:24 14:16 25:18		56:14 60:12 64:17	44:15 69:11 70:20
34:13	survivor 2:13	T	71:14,22 112:22	70:21,24 72:19
suicidal 41:9	116:14 159:1	tab 1:18 6:25 23:11	118:2 120:2 129:8	73:10,10,11,14
suitable 56:16	survivors 3:1 16:18	87:10 93:23 144:3	team's 45:9	74:19 79:15 93:16
suitably 60:10	34:7 36:7,8 63:16	164:12	teams 37:5,6,24	109:17,22 115:11
123:2	110:2 111:25	Tahzib 164:7,9	40:15 41:12 69:19	115:13,18 116:24
summarised	138:1 141:10	166:10	70:3 103:13	117:3 130:19
104:15	147:14,19 148:15	take 7:1 11:16 48:8	technical 27:5	133:14 140:14
summarising 77:4	156:1,20	52:5 73:16 74:21	126:14 146:3	144:17 154:11
summary 135:23	suspect 69:4,7 89:9	83:11,22 85:10	Teddy 43:8,9	155:2 163:23,25
superintendent	144:24 145:24	101:25 102:1	tedious 126:13	164:2,9 166:9,10
59:4	suspected 68:2	103:9 109:14,17	teeth 108:11	theme 125:6 144:12
supervise 129:17	suspend 92:14,24	110:16,22 118:18	tell 17:6 81:18 99:1	themes 126:8
supervision 49:7	93:11 108:21	140:6 147:16	99:1,17 132:13,16	theological 143:10
157:22	suspension 91:24	148:10 155:22,23	141:5 144:8	152:9
supplementary	92:1,2,8,9,18,21	taken 3:1 45:4 56:7	ten 43:22 143:19	theoretical 19:3
1:12 25:5	92:22 93:1,6	62:25 74:11 78:2	153:17	thesis 67:22 69:10
support 13:19	108:21,25 109:4,9	83:21 89:6 122:9	tend 104:7	they'd 148:22
25:22 34:6 36:10	suspicion 66:21	127:23 136:11	tenure 62:18	thing 14:13 22:23
36:22 45:24 46:14	155:19 160:13,18	150:5 153:25	Terence 12:10 49:1	23:5 37:21 39:21
48:5 71:24 99:22	suspicious 67:12,20	takes 39:1 88:10	term 37:14	69:14 97:17 99:2

101:4 107:1 132:18 141:7,11 145:9 146:3 147:9 148:14 156:5,15 159:25 162:11 things 4:2 8:6 15:25 24:24 26:10 27:9 28:5 42:23 43:17 44:12 50:18 59:19 61:22 63:18 68:22,25 82:5 88:13 89:18 92:7 108:4 114:19,21 119:21 123:25 124:23,24 125:14 131:7 137:7,20 143:21 147:11,23 150:3 155:2 156:20 162:25 think 1:24 2:14,19 4:7,15 7:1,14,23 8:9 9:24 10:25 11:5,11 13:2,5,16 14:12,15 15:4,8 15:13 16:24 17:20 18:3 20:1,2,3,21 21:6,19,20,24 22:8,20,20,22,23 22:25 23:4 26:3 26:15,19 27:13,22 28:21 30:5,8 31:1 31:6,10,12 32:20 33:18,19,21,22 34:24 35:1,13 37:12 38:2,10,20 39:19 40:1,6 45:2 45:3,16 46:1,18 47:5,5,20 49:19 50:7,10,12 51:6,9 51:24 52:9,11 53:17 54:9,13,14 54:16,22,24 55:3 55:21 57:4,6,8,16 57:17,19,25 58:3 58:10,16 59:23	62:20,22 63:5,20 64:3,5,17 66:2,7,9 66:16 67:6,11,11 67:16,21 68:5,7 68:12,22 69:5 70:16,17,24 71:20 72:5,9,10 73:14 75:21,23 76:1 81:11,22 91:5,14 91:19 96:8,20 98:15 101:14,25 102:23 103:2,12 104:1,6,10,11 105:22,24 106:4 107:2,13,15 108:1 109:16 112:1,7,16 113:13 114:9,13 114:14,25 115:5 116:3 119:23 120:5,22 121:15 123:9,19,24,25 124:10 125:8,22 126:7,9 127:9 128:3,9 129:2,3 129:11 130:4,13 130:14,17 132:4 132:10,11,16,18 132:22 133:18,19 133:21 134:9,12 135:3,5,15,15 136:8,10 137:3,10 137:15,25 138:3,6 138:9,12,13,14,19 138:22 139:2,4,14 139:15 140:1,23 141:1,7,11,15,18 141:18 142:1,2,5 142:6,9,21 143:6 143:24,25 144:22 145:6,10,17 146:24 147:6,12 147:18,23 148:1,2 148:5,6,11,12,14 148:15,24 149:3,7 149:10,13,15,19	150:7,17,22 151:4 152:20,24,25 153:12,12 154:23 154:24 155:14,21 156:5,15,22 157:6 157:12,14,23 158:1,6,8,14,19 158:20,22 159:4 159:15,15,17,19 159:23 160:1,3,7 160:10,12,12,17 160:20,24,25 161:2,19 163:9,22 thinking 31:7 120:6 128:2 130:10 148:18 149:6 151:7 161:23 thinks 16:11 127:20 thinly 135:1 third 122:16 141:11 153:21 155:23 thirdly 116:11 118:19 thought 14:22 16:9 27:15 68:3 90:9 92:4 120:9 147:6 156:23 163:17,18 thoughtful 131:6 thoughts 63:25 79:2 106:12 threat 19:7,7,8 three 7:7,13,14,15 7:24,25 18:16 19:16 31:24 38:11 55:22 58:4 59:13 63:18 68:2 79:4 81:9 109:25 114:22 121:25 139:10 152:15 threshold 159:22 160:7,10,11 thrust 148:25	tick 43:2 145:1,1 Tilby 40:12 166:6 time 5:22 20:1 23:6 31:25 38:7 39:2,4 39:11 44:21,24 45:4,8 47:18 74:14 75:15 81:10 87:13 89:10,18 90:2,11,16,17,22 91:2 92:1,4 93:6 95:21 104:15 105:20 108:22 116:4,5,16 118:16 123:9 126:25 133:8 135:3,5,6 138:10,15 139:15 143:19 145:17 148:23 149:9 154:4 155:20 164:4,22 165:8 timely 100:9 times 55:21 114:23 timetable 115:21 115:24 116:2 166:2 today 166:1 told 146:11 tone 4:6 5:16,24 77:24 tool 41:21 43:3 76:20 163:19 top 68:5 137:23 143:1 topic 35:5,6 topics 165:1 total 12:3 137:3 touched 105:18 106:19 113:13 tour 79:8 tower 128:5,6 traced 21:4 tradition 152:3 train 21:7 trained 52:20 training 36:12	38:14,20,23 39:1 39:9,12,12 40:7 50:6 51:2,3 52:2 56:18 57:1 67:2 73:3 77:9,17 97:21 98:9,11,16 98:17 102:23 145:6,12,21,22 146:19 147:7,8 155:25 156:20 157:4 165:9 transcript 104:18 transfer 53:24 Transport 22:13 treated 90:25 tremendously 37:11 Trent 19:2 trial 45:8 81:9 84:15 95:17 trials 85:20 tribunal 76:21 84:14,15,19 86:16 87:1 89:24 95:24 96:1 101:5,7 102:11,16 103:11 105:4 tribunal-based 82:2 Tribunals 83:2,14 tried 66:11 100:10 143:15 trigger 88:25 94:18 triggered 88:6 trim 109:15 trip 150:2 trouble 89:20 true 2:13 73:25 117:16 125:3 132:12 trust 51:23 52:5 59:7 77:3 132:20 132:21,22 Trust's 52:8 truth 94:10 164:17
--	---	---	--	---

try 4:9 15:24 74:25 129:13 136:8 138:16 148:21,25 157:11	unbecoming 61:15 uncomfortable 99:8 under-evidenced 126:12 undergo 161:25 undergone 77:9 undermine 18:24 undermined 16:16 understand 1:13 2:8 5:2 6:23 7:17 11:2,4 13:6,21,22 14:2 15:9 16:10 18:5 20:6 21:7,25 22:6 32:3 60:15 62:16 64:24 66:12 68:17 69:4,20,22 74:3,16,20 75:4 79:23 86:5 102:18 104:23 106:10 113:25 114:2 117:18 124:22 133:4 140:16 145:22 159:10 165:1	unfair 33:14,18 142:9 unfortunate 49:25 125:13 uniformity 110:12 unimpeachable 11:10,13 uninsured 20:19,24 21:4 unintended 65:17 unit 102:24 units 102:21 University 19:2 unknowingly 126:15 unmeasured 17:17 unquestionably 45:13 unreasonable 85:15 unrestricted 54:2,4 unsuitable 149:11 149:11 unusual 8:7 12:11 20:17 21:5 unwell 131:15 unwieldy 81:15 unwise 129:2 update 115:22 updated 139:19 upload 116:20 uploading 137:14 urgent 92:15 URNs 116:21 use 13:25 39:8 53:14 67:14 72:22 72:25 81:16 88:1 89:1 116:5 useful 37:11 39:21 73:9 76:20 103:3 112:7 132:14 154:16 uses 14:2 22:8 37:14 usual 31:21	usually 97:3 99:17 118:18 utterly 47:1 <hr/> V <hr/> valid 120:9 valuable 13:3 59:23 value 18:4 19:6 40:6 46:2 47:5 48:5 variable 124:14 134:8 variation 37:16 varied 44:23 variety 164:24 various 21:9 24:17 35:7 36:3,4 56:7 110:16 130:20 162:13 vast 10:9,10,11 114:24 125:25 140:14 verbal 9:23,24 12:8 verbatim 4:24 32:17 verger 128:12 version 69:9 139:20 144:2 vicarious 33:1 victim 16:1 17:24 65:1 88:5 116:14 159:1 victims 11:21 12:10 18:2 34:7 40:23 63:15 88:10 110:2 111:24 137:25 141:9 147:13,19 148:14 view 11:5 14:6 15:7 15:10 16:1,3 17:17 20:22 21:20 29:3 33:23 34:9 34:17 35:2 36:2,5 37:3,6,17,21 39:7 47:3 64:18,24	67:1,8 70:19 91:5 114:24 127:16 151:20 152:2 154:24 162:15 viewed 100:15 124:3,3 views 1:9 14:24 16:12 147:5 151:15 155:1 159:12 161:3 vignettes 18:18 vigorously 134:24 violence 31:23 33:3 35:22,23 36:3 59:5 98:6,8 virtually 124:19 visitation 90:3 91:21 92:6 105:23 106:7 vocations 60:16 vociferously 24:10 voluntary 39:8 42:13 129:5,15 volunteer 39:9 volunteers 43:17 vulnerable 4:17 88:9 89:3 93:13 97:22 98:3,10,12 98:21,22,23 119:11 141:13 <hr/> W <hr/> Walker 166:5 Wallace 61:24 162:9,17 want 1:20 2:6 9:9 11:15 21:16 26:4 27:5,8 41:19 42:11 51:23 60:1 63:9 69:16 88:13 97:2,4,11,12,17 97:19 99:1,12,16 99:19 104:17 108:3 109:25 110:9 116:23
<hr/> U <hr/> ultimately 125:23 unable 10:24 116:14 131:14 unanimous 82:7 unavailability 62:12 unavailable 62:9	understands 117:20 understood 33:9,10 104:6 155:24 undertake 21:17 65:5 162:2,4 undertaken 122:22 138:25 140:12 undertook 11:14 unearthed 127:13			

121:4 149:17 151:13 152:24 156:9 158:14 wanted 2:10,12,20 3:5,22 4:13 35:3 57:13 58:14,17 113:22 163:9 wanting 127:9 wants 132:8 War 22:15 wardens 107:23 108:7 145:8 wasn't 1:22 2:6 4:10 5:23 7:19,20 8:2 23:3 30:1,24 33:12,20 55:7 79:11 90:23,24 106:25,25 109:1,2 124:20,25 128:1 Watch 151:1 way 1:11 11:11 16:5,6 20:25 33:6 36:6,15 43:6,10 44:3 50:1 52:6 63:2 67:18 69:8 75:4 77:11 82:3 95:20 97:19 101:3 103:13,14,16 105:1 107:11 115:7 120:3 128:20 133:2 142:19 145:24 146:6 158:23 159:12 162:23 ways 25:7 45:20 49:9 75:18 78:25 84:3 103:17 139:16 we're 145:25 we've 37:8 147:11 weakness 123:17 124:10 website 43:15,23 43:25 44:14 67:4 67:4 116:20	117:11 153:2 164:15 websites 43:18 weeded 123:12 week 21:20 32:6 37:20 40:21 49:20 52:4 115:25 116:2 151:15 155:4 weekly 28:19 weeks 53:7 weight 11:12 25:12 58:14 welcome 101:4 welfare 24:2 well-known 132:20 well-motivated 138:15 went 2:6 86:16 87:1 128:3 130:9 133:2 134:2 weren't 76:3,6 124:3,7,24 133:8 133:10 134:24 West 35:22 36:20 59:2 Westminster 126:25 134:4 Whereabouts 135:21 whilst 15:7,11 16:19 22:5 47:23 95:15 107:13 115:16 whistleblowing 65:2 whistlestop 79:7 wholly 108:25 157:12 wide 37:16 40:18 widely 14:8,9 15:16 53:13 88:3 104:6 wider 20:4 22:8 38:3 67:7,13 widespread 72:23 152:4	wife 140:17 wiggle 107:16 William 2:17 willing 94:14 willingness 18:14 wise 157:6 wish 2:5,24 6:2 28:10 117:8 141:6 153:25 wishes 158:21 withdraw 5:22 6:6 withdrew 73:15 115:14 164:3 withheld 55:24 56:5 withhold 78:13 witness 2:3,24 3:9 3:12 6:1 7:18 9:5 11:20,22 12:16 17:9 23:7 25:3,5 26:15 35:8,25 41:18 45:1 60:2 61:20 73:15,18,19 73:23,25 74:22 76:15,24 78:6 80:3 82:12 83:16 84:23,24 93:21,22 94:16 96:3 98:18 104:16 106:18 109:14 110:5 115:10,14,15 116:10,12,13,20 117:9,20 118:20 118:25 121:1,20 123:19 126:6 132:5 133:13 135:13 152:16 161:4 163:8 164:3 164:6,12,21,25 165:22 witness's 74:5 76:25 witnesses 74:20 89:3 96:23 98:10 98:12,17,21,22,23	115:16,23 116:6 116:19 161:5 165:3 woefully 158:24 wonder 10:5 69:8 100:25 144:5 wondered 9:21 72:23 wondering 41:6 word 4:24,25,25 10:14 13:25 26:19 33:23 42:12 80:25 83:1 108:3 110:9 words 14:18 22:9 126:12 151:13 Wordsworth 2:16 3:10 4:7 35:23 54:6 work 8:4 10:12 31:6,6 34:5 37:10 38:12,14 45:12 48:19,22 49:9,11 50:6 51:4 57:25 58:3 62:9,12 66:5 69:21 71:13,19,22 72:18 73:3,9 81:12,20,24 89:17 94:25 115:8 120:1 121:4 122:22 129:5 134:15 135:20 140:8 141:3 147:24 148:1 149:8,12 159:15 worked 27:20 42:19 49:14 74:24 94:7 115:6 140:20 145:24 148:20 worker 36:19 37:13 38:6,10 workers 130:3 workforce 70:7 working 36:4,6,9 36:10,12 40:21,25 46:14,16 56:5	60:21 81:21,23 88:4 89:2 119:10 121:23 132:25 workings 114:17 workload 72:3 workplace 162:24 works 45:23 49:10 50:5 82:13 96:22 world 22:15 26:23 worldwide 27:3 worry 117:12,13 worth 160:24 worthwhile 138:9 wouldn't 4:11 16:4 16:4 27:10,11 30:11 51:17,20 53:19 54:15 63:3 63:9 69:23 94:25 97:10,11 107:8 130:15,16 139:12 140:4 161:9 162:20 write 122:11 writing 38:19 94:5 94:8,9,21,24 95:1 165:22 written 4:3 6:15,16 84:10 106:16 107:8 131:9,13 133:6 wrong 14:13 26:7 27:9 127:10,11 150:21 wrote 20:1 58:5 68:1 89:20,20 134:2 142:8 WWS000049 87:8 WWS000137 164:13 <hr/> X <hr/> X 166:16 <hr/> Y <hr/> year 15:1,24 49:15 111:12 145:3
--	--	--	--	--

years 13:21 19:16 19:25 25:19 31:23 31:24 33:2 36:13 37:22 42:17 44:23 45:7,22 46:25 49:4 55:22 58:4 60:18 64:9 68:1 69:24 74:10 79:2 79:4 88:5 89:14 118:4 120:7 124:19 146:19 147:1 148:17	117 167:3,5 119 132:6 12 2:23 49:17 76:24 83:16 89:14 12-month 90:14 122 93:21 123 35:25 127 93:24 13 125:23,24,25 127:6,8 130 93:21 132 58:25 133:12 133 96:3 110:5 135 134:9 137 133:12 14 23:8 14-months 39:20 142 135:13 143 136:17 147 135:13 15 13:21 20:1 121:19 155 23:10,12 30:20 16 1:1 3:12 20:2 41:19 129:23 130:9 164 152:14 167:7 167 27:7 168 157:2 170 29:1 171 30:4 177 113:8 179 74:6 18 3:12 6:13 126:21 129:25 19 166:13 1930s 148:23 1940s 9:23 1940s/early 9:21 1950 12:5 1950s 9:21,23 1963 74:9,12 79:8 79:15 80:14,25 81:4,8,11,18 1984 119:4	1991 165:8,25 1992 81:22 129:25 164:23 1996 95:9 1997 74:10 1998 74:11 19th 116:17	2017 3:17 117:10 2018 1:1 35:10 139:25 166:13 20th 116:17 21 7:18 117:10 129:23,25 21-year-old 130:9 22 1:17 23:7 35:8 118:10 23 45:1,3 24 9:5 25 25:5 26 45:1 26.2 75:23 27 12:16 93:24 28 16:13 17:9 89:8 96:4 134:16 137:3 137:12 29 121:19	42 48:20 104:16 43 38:7 72:4 44 29:5 121:24 45 126:24 49 104:16	
<hr/> Z <hr/>				<hr/> 5 <hr/>	
zoom 74:6 87:16				5 78:7 86:6 118:9 50 72:2 50/50 58:16 51/49 14:17 16:8 54 123:20 55 12:5 56 24:18 29:10 57 29:8,10 30:9,15 58 29:10	
<hr/> 0 <hr/>				<hr/> 6 <hr/>	
038 30:21 044 27:7				6 91:25 118:11 60 39:20 62 35:8 45:2,2 63 79:13,18,20 68 46:22 69 46:22	
<hr/> 1 <hr/>				<hr/> 7 <hr/>	
1 42:22 44:11 66:4 87:10 89:22 118:25,25 122:10 139:7 166:18,20 1,000 39:19 1.00 109:13,19 10 2:3 17:9 33:2 37:22 110:1 111:23 10.00 1:2 10.30 166:8,13 105 110:5 11 17:9,11 125:23 127:6,8 134:6,7 11.10 48:11 11.25 48:10 11.30 48:13				7 90:6 70 25:2 26:15 35:8 45:2,2 166:22 700 122:15 73 166:24 167:1 75 43:10 44:3 106:18 78-page 74:22 79 106:18	
				<hr/> 8 <hr/>	
				8 144:15 80s 57:2 84 60:1 87 61:1 88 60:1 62:5 89 43:5	
				<hr/> 9 <hr/>	
				9 76:15	
		<hr/> 2 <hr/>	<hr/> 3 <hr/>		
		2 71:5 87:17 122:11 2.00 109:18,21 20 3:13 6:1 42:23 44:12 46:25 20-odd 137:18 2001 74:11 2002 12:5 129:25 165:7,25 2003 75:14,19 76:3 79:9,21 86:2,3 90:8 2005 119:4 2006 74:8 81:11 87:15,25 90:10 91:1 2007 119:6 121:9 2009 118:10 140:1 2010 134:20 136:1 2011 35:19 64:13 2012 35:20 45:5 90:4,6,10 119:6 2013 6:19,22 28:15 35:24 45:5 46:1 64:13 79:22 80:1 104:14,19 105:20 136:13 2014 22:20 26:7 32:15 36:20 2015 17:22 36:21 45:5,6 76:12 77:1 78:15,25 108:14 2016 1:17 2:23 5:20 26:6,8 29:19 79:23 106:19 113:5 119:15 162:1	3 76:25 85:4 3.15 154:12 3.25 154:7 3.28 154:14 3.45 166:11 30 3:17 19:23,24 60:2,18 85:7 110:25 31 60:2 61:1 32 133:13 33 31:25 34 83:17 135:14 35 35:8 135:14 36 35:8 38 23:14 30:21 123:19 152:16 39 41:18	2017 3:17 117:10 2018 1:1 35:10 139:25 166:13 20th 116:17 21 7:18 117:10 129:23,25 21-year-old 130:9 22 1:17 23:7 35:8 118:10 23 45:1,3 24 9:5 25 25:5 26 45:1 26.2 75:23 27 12:16 93:24 28 16:13 17:9 89:8 96:4 134:16 137:3 137:12 29 121:19	4 65:13 117:19 4,400 12:3 40 39:21 60:18 40,000 123:14 125:21 139:6,13 41 48:20

<p>90 132:6 900 122:14</p>				
--	--	--	--	--