survivors are listened to and taken seriously and are supported and that good practice is identified and disseminated; is that right?

A. Yes.

Q. And that you wanted to be clear that that one aspect of the intended -- that you consider that that was an important aspect of the intended review; is that right?

A. Yes.

Q. You express, firstly, some concerns within your witness statement about discussions between Ms Wordsworth, as she then was, and Lord Carlile, and you set those out at paragraphs 16 to 18 of your witness statement, and over into, in fact, paragraph 20, some concerns that you had about the context of the email correspondence. Perhaps you'd like to identify, what were your concerns about that process?

A. The email chain started on 30 March 2017 with Gemma actually emailing Lord Carlile to make initial contact, actually, and to start talking about contact between Lord Carlile and Carol. Neither Gemma nor anyone else had heard from Lord Carlile about a meeting between him and Carol, and by that point -- so Gemma wanted to start that contact, but she'd had conversations with Carol who had expressed some reservations about meeting Lord Carlile, not directed at Lord Carlile, but simply reservations about going through this process of talking about things again. So Gemma's email noted those reservations, and offered a written account from Carol, which was Carol's offer, in place of a face-to-face meeting.

Q. However, you felt that Lord Carlile's -- the tone of Lord Carlile's comment, which is I think Ms Wordsworth emailed and said, "Look, we know there was some discussion to try and seek Carol's cooperation on in place of a face-to-face meeting. However, it wasn't -- firstly, that was on the express understanding that it wouldn't involve a second judgment on her evidence, and, secondly, it was, if she wanted to --

A. Very much.

Q. -- not because she had to. I think the concern that you're expressing is that Lord Carlile's emailing back identified that she may be vulnerable to criticism if she didn't meet him. Is that correct?

A. Exactly. Lord Carlile's response to Gemma was, essentially -- I haven't got the email in front of me, but it was essentially -- well, he said, "I regard it as essential that I meet, and I would have to record her refusal, which could lead to criticism of her". That's not a verbatim, but that's -- the word "refusal", the word "criticism", the word "essential", that was all in
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<td><strong>Q.</strong></td>
<td><strong>Q.</strong></td>
<td><strong>A.</strong></td>
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<td>You say at paragraph 20 of your witness statement:</td>
<td>&quot;Our concerns were eventually allayed, but I wish to draw the inquiry's attention to just how close we came to the point where Gemma, whose role was to act in the interests of the person she was supporting, would have been advising Carol to withdraw her participation. This was entirely because of our concerns that Lord Carlile would seek to examine Carol's evidence rather than just whether the church's processes and structures in responding to that evidence were sufficient and could be improved.&quot;</td>
<td>It is. And just towards the end of paragraph 18, I also point out something else that Lord Carlile says in that email. Carol had offered through Gemma a written account. Lord Carlile said, &quot;I already have her written account. I've got her police statement&quot; and so on and so forth. Of course, that didn't talk about her experience of coming forward to the church after 2013. So, for me, that suggested that what he was expecting to her from her was her allegation, not her experience post 2013.</td>
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<td><strong>A.</strong></td>
<td><strong>A.</strong></td>
<td><strong>Q.</strong></td>
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<td>Mine and Gemma's and -- perhaps I shouldn't give -- my understanding of colleagues' reaction as well, we were very surprised, but certainly, in terms of my evidence, I was very surprised by the tone of that last sentence. As I say in my statement, the meeting nine months previously, the chair of the meeting had said, &quot;If she decides not to participate, that would be respected&quot;. That was where we were in June 2016. Gemma had been asked to seek her participation on the understanding, first, that she could withdraw at any time; secondly, as you said, it wasn't a review of her evidence. So I was very surprised and really quite concerned by the tone of that last sentence.</td>
<td>I don't really think I need to take you through that because it is a very, very detailed and extensive document. Suffice it to say, you had a large number of concerns about some of the -- not so much the factual material, but the interpretation of the factual material. Is that right?</td>
<td>Q.</td>
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<td>Sort who contributed to it other than yourself?</td>
<td>It was a joint document prepared by sort of three key people within Chichester, but, yes, there were a number of concerns.</td>
<td>Who? So who contributed to it other than yourself?</td>
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<td><strong>A.</strong> Gabrielle Higgins who is the current diocesan secretary, Matthew Chinery, the diocesan registrar, and myself.</td>
<td>That's my understanding of the three. There may have been some other contributions, but I think the three -- well, I'm sure the three of us were the key people.</td>
<td>A. Gabrielle Higgins who is the current diocesan secretary, Matthew Chinery, the diocesan registrar, and myself.</td>
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<td>Q. Your most significant concern about the basis upon which Lord Carlile drew his conclusions is, as I understand it from paragraph 21 of your witness statement, that, firstly, there wasn't any engagement, so to speak. So there wasn't the sort of fact and emphasis corrections process; is that right?</td>
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<td>A. To be fair to Lord Carlile, there were two meetings with core group members. I think there was -- there may be three meetings, but never with the whole core group. It was, essentially, three dates were offered. But in terms of the process after the first draft, I was very concerned that a lot of what we'd raised wasn't addressed, and my understanding from professional colleagues who do this kind of review work is that --</td>
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<td>Q. What seems to me to be sensible is, let's go through the particular critiques you have of particular points that you consider were erroneous conclusions from the material and the information. There were two main conclusions that Lord Carlile reached. Firstly, that the investigation into the claim was inadequate and,</td>
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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

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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

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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,
Q. I think you say: 
"I fully understand why any litigation has to be conducted on the basis of agreed rules of evidence, but whether matters such as apology, redress and most of all compassionate response can be limited to what can be objectively proved to whatever standard is difficult and, as such, a requirement would seem to run aground on the nature of the problem."

A. The problem is hidden. The problem is -- as you said earlier, what you are often dealing with in these cases is one person's account, with no corroborative evidence. I think if we are to say, "Well, on a strict legal basis, that can't be proved. Therefore, we are not going to respond compassionately or we are not going to offer support", as some have said, "and we are not going to offer the opportunity of apology and redress", that is where the church was 15 years ago. I understand the difficulties you mentioned. I do really understand the difficulties with this. The inquiry have asked me to comment on certain aspects of Lord Carlile's report. But he does use the word "overreach" as, perhaps, his sort of overarching conclusion, and I very much can understand why he uses that phrase, but the problems and difficulties are very complex.

As I said, the suggestion that we should demand or seek that corroborative evidence, it does run aground, in my view, on the nature of the problem. That is where the church was a decade and a half ago.

Q. The decision to make a public apology. That was widely criticised not just by Lord Carlile but was widely criticised by a number of individuals --

A. Yes.

Q. -- both within and without the church. Do you think that it was the wrong thing to do, with the benefit of hindsight?

A. I think I describe myself -- I comment in my statement that -- I'm not surprised, but it never comes out in the evidence. I always said that I describe myself as 51/49 on this. In other words, I was just on the side of going public, but only just. So, to be honest, I could always see the problems associated with it. Other colleagues -- including other colleagues within the core group -- thought that we shouldn't. It was a very, very difficult decision.

I can only really comment on my own views of why we did, and I made these points in a submission to Lord Carlile in July of last year, which has also been given as evidence to the inquiry.

Q. Yes.

A. I think it's a very, very difficult one, but we have made a decision to apologise to Carol. As I said, I can only really give my own evidence on this, but in my view, you can't apologise to someone whilst avoiding any suggestion that you believe them. I think what we were trying to do -- I understand that some of the lawyers in the room may -- but from my point of view, you can't apologise to someone whilst avoiding any suggestion that you believe them.

I think what we were trying to do was to carry that decision to believe through to its logical conclusions. George Bell, as many people have said, is greatly admired, widely admired, and rightly so, but that created a situation where he was admired in public but Carol held in her hand the letter of apology, and that to my mind created a very serious discrepancy between what we continued, what the church continued to say about George Bell in public and what we'd said to Carol in private.

As I say in my July submission to Lord Carlile from last year, certainly it is my job to try and see and articulate these things from the perspective of the victim, and in my view, Carol would have been right to say -- would have been justified to some extent in saying, "If you really believe me, given the public view of George Bell, wouldn't there be some balance, wouldn't you find a way of expressing that belief, to incorporate my account into the way George Bell is remembered". I believe -- well, certainly that's why I was on the sort of -- the positive side of the 51/49, that's why I just thought we should go public.

I fully understand that that's controversial. I doubt I have just persuaded anyone who thinks that we shouldn't have done that. But those are my views.

Q. In fact, at paragraph 28 you say:
"My concerns throughout have been that we exposed Carol to public criticism of her account, and by extension her person, and therefore have undermined much of the recent progress we have made in how we respond to survivors and in building the credibility of safeguarding within the church. Whilst there have been some measured, while still critical, reactions, there has also been much that I can only describe as bullying or extreme overreaction."

A. Yes.

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

2. Q. But do you not think -- I mean, obviously, there is no current guidance. I understand some may be in the train of being processed. This is a very difficult situation, because we have heard various members of the church say to us, "It is not our job to investigate allegations". But if somebody is dead and therefore there is -- you know, the police will not -- I mean, they might carry out a review, but no charges can obviously be brought.

3. A. Sure.

4. Q. And statutory agencies are likely to say, "We don't really want to get involved", should there be a role for the church maybe nationally to undertake some kind of quasi investigative process?

5. A. Yes, I think there should. As I say in my statement, I think John Hind alluded to it last week, the view, rightly, that the church had moved away from doing our own investigations and had seen -- "Well, we need to just hand the information over to the police and let them do that", but I think that has led to a gap in the church's guidance which I understand is being looked at.

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<td>1. at the moment.</td>
<td>1. George Bell and Carol. The suggestion is that we put the reputation of the church over Carol’s welfare. As I’d said in -- as we’d said in our response to the first draft, and I still maintain, that is absolutely not what happened. As I suggest in my statement, the inquiry would have very, very clear evidence indeed from the minutes of the meetings if that had been what had happened. Because I would have challenged -- and a number of members of the core group, not just me, would have challenged that very vociferously indeed. I have to say, if that had been what had happened, I would be taking this opportunity to distance myself from the actions of the core group. That is absolutely not what occurred.</td>
<td>2. Q. Was it the situation that there was scant, if any, regard to Bishop Bell's good character? Because that comes out of this at various other points in his conclusions? Paragraph 56 of Lord Carlile's conclusion, he says: &quot;... scant, if any, regard to ... Bishop Bell's good character [was paid].&quot; Again, he also argued that there was deliberate destruction of the reputation of George Bell. What do you say to those two things?</td>
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<td>2. Q. Can I ask, some of the criticisms -- the National Safeguarding Steering Group have produced something in which they respond and largely accept the criticisms of Lord Carlile's report, whilst not accepting all of them.</td>
<td>3. A. Yes.</td>
<td>3. A. In terms of the regard given to his good character, the</td>
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<td>3. I understand that one of the criticisms that Lord Carlile made was that there had not been any communication with wider members -- I think he uses the words members of the Jewish community within the core group. Obviously for those individuals, probably members of the public rather than people in this room, who don't know, George Bell was instrumental in the Kinder Transport which brought a number of children from across Europe to England just before the outbreak of World War II?</td>
<td>4. A. Yes.</td>
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<td>4. Q. Do you accept that that was an error?</td>
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<td>5. A. Yes, and I had actually been advocating within the core group process for us to do that. It was felt and decided I think -- I think it was in the July 2014 meeting, that we shouldn’t do that. Lord Carlile criticises that and, yes, I think we should have done that. I think that is the kind of thing that, if there had been that independent investigation beyond that which was done to settle the claim, and I think it’s very important, there was an investigation here, it was what was done to settle the claim, it was perhaps that was inadequate. But it wasn’t that there was no investigation. But, yes, I think that is the kind of thing we could have done, which is why I suggested it at the time.</td>
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estem, he also talks about that —
Q. You deal with this at paragraph 70 and onwards of your witness statement. Maybe if you would like to turn that up for your own benefit. Chair and panel, that's page 25 of Mr Perkins' supplementary witness statement?
A. We were very mindful indeed of the reputation of George Bell, and in many ways the reputation of George Bell is why we were holding the core group in the first place. I have just mentioned a number of other allegations we'd received about deceased clergy. Most of those are obscure clergy, and didn't generate this level of action. Because we were aware of the weight of his reputation and the likely impact of people reacting to any actions we took, to some extent that was the reason that we were having this nationally chaired meeting involving staff from both the national church and Chichester.

But I am very surprised at the extent to which, certainly throughout the last two and a half years, there have been many calls, and I am concerned that some of those calls have correctly or otherwise perceived but that doesn't mean he didn't do these things to me”.

a lot of the evidence that I'm aware of internationally with regards to child sexual offenders within institutions. If I may, I think there's one other point that I particularly want to make on that, and for me this is quite an important point: Carol gave an interview to the Brighton Argus in February 2016 — sorry, 2014 — no, I'm getting my dates wrong, it was 2016, in response to the controversy. In that interview she said, "I know that George Bell was a man of peace, but that doesn't mean he didn't do these things to me". It always struck me as very powerful that, of all the people in this narrative, she has managed to keep the balance and she has managed to articulate very powerfully that it's possible that he was both.
Q. I think at paragraph 70 of your witness statement you identify some research that the NSPCC did in educational settings which often found that those sexually abused students are often the most competent and popular of staff and are often — I think the word used by the NSPCC is "adored"?
A. Yes. The evidence — much of the evidence this inquiry has heard, much of the academic evidence throughout the world, suggests, again, going back to Nigel Speight's quote, that people find it extremely difficult to believe that especially their admired leaders, or admired teachers within that educational setting, sometimes the teachers that are the most popular could also be guilty of abuse. We know that's worldwide research.

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Q. There are two technical issues I want to raise.
Lord Carlile criticises the core group, and this is at paragraph 167 of his report, page 044, chair and panel, if you want to get it up, B47. He identifies — he says that one of the things that you got wrong was not understanding that he wouldn’t — had he been alive, he wouldn't have satisfied the arrest conditions, is what he says.

So you mistakenly — what I think he indicates is, having read the minutes, he believes that what happened was, you all thought he would be arrested, he would have been arrested, and therefore that was something which fed into your consideration of whether or not the civil claim should be settled?

A. Firstly, I'm not sure that he's correct about that, having worked with Sussex Police on a large number of cases. I'm actually just not sure that he's correct. I think he may well have been.

But he largely suggested that we were so inexperienced within the criminal justice system that we conflated arrest with charge with conviction. As I say in my statement, that is simply not the case. There were plenty of very experienced safeguarding professionals with, between us, decades of experience within the criminal justice system who were perfectly capable of separating those things out.

Q. Thank you. He also identifies that you hadn’t followed the basic prosecutorial process of looking at whether or not something had happened and whether or not — you know, the two-stage test which the CPS identified. Do you have any comment that you wish to make about that?

A. Well, he specifically criticises that Sussex Police hadn’t communicated properly to us that process. He identifies Detective Inspector EF as the person who should have, but didn’t, correctly communicate to us. He identifies that from one email exchange in 2013, right at the start, when we were arranging Carol’s interview with Sussex Police.

As I say in my statement, between certainly myself and Gemma, we probably had weekly contacts with DI EF across a five-year period between Operation Perry and Operation Dunhill, and I think it highlights my point that making that conclusion based on one email exchange rather than discussing that with us, where we could have explained that level of contact, is one of my concerns about the process of the report.
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| **Q.** He also recommends, Lord Carlile, at paragraph 170, that there should have been specialist criminal law advice provided to the group. What's your view about that? | **A.** Thank you. **Q.** Paragraphs 56, 57 and 58. | **A.** It was -- **Q.** Which, again, Lord Carlile in his report at paragraph 171 seems to identify that one of the criticisms of the core group is they didn't think about whether or not he would have been prosecuted had he been alive, and he identifies that the prospects of successful prosecution were low. I think at paragraph 57, you say -- **A.** We were fully aware that the chances of a conviction, were he alive, were low, and, as I say at the end of paragraph 57, external advice on that particular point, was a criminal conviction likely, was not sought, not because it never occurred to us to ask, but because the answer was relatively obvious. **Q.** Can I ask you just about two further points that he raises at paragraph 155, if we can go back to that, please, chair and panel, 038, please, Paul. Page 38, chair and panel, of B47. He identifies that one of the other issues is that there wasn't adequate engagement and involvement of Bishop Bell's family or people speaking on Bishop Bell's behalf. I think you accept that critique, don't you? **A.** I accept that critique, although in the submission from the National Safeguarding Steering Group, I would also emphasise the separation in that submission from the action -- between the actions of the core group, the work of the core group, and the work of -- I think it's called -- a group -- a body thinking about the litigation. I am not sure that there should be within the core group a person doing that, because the core group is really managing a different situation. I think that obviously and clearly should happen, but perhaps within that different body. I think that's the advice from -- or that's the response from the National Safeguarding Steering Group, which I would agree with. **Q.** Two further issues: one about limitation; the second about non-disclosure agreements. Obviously you are not a lawyer, so I'm not going to ask you this. One of the points that Lord Carlile raises is that nobody seriously considered the limitation issue and/or that the limitation issue should have been considered. Just for the public, the usual rule is that such claims have to be brought within -- well, actually, in cases of sexual violence, it is six years, but in cases of breach of duty, ie negligence, it's three years but with an equitable time limit under section 33 of the Limitation Act, which involves, in effect, looking at all the circumstances and saying, is it there or isn't it there. Now, we understand from the Ecclesiastical Insurance Office's guiding principles that in an insured claim -- we dealt with this with Professor Macfarlane earlier in the week -- they only raise limitation exceptionally, so to speak? **A.** Yes. **Q.** Was limitation something which was considered and discussed within the context of the group? **A.** It was -- **Q.** Just to say, "It was just too long ago. We can't possibly settle a claim on this basis"? **A.** It was considered and discussed extensively in the second core group, July 2014. The minutes make that very clear. In fact, the explanation you've just given is possibly almost verbatim the explanation that was given to that core group, and, as the minutes show, there was then an extensive discussion. I think, again, that goes back to my problem about the process of the Lord Carlile review. The minutes do not say is, "The purpose of limitation was clearly explained", largely because everyone was fully aware. They were clearly explained but the minutes don't clearly say that.
Q. Of course, the issues of vicarious liability have changed markedly over the past 10 years in respect of cases of sexual violence against individuals?
A. Exactly.
Q. To make them a lot more generous than they were, shall I put it that way?
A. Yes. But, as I say, the very fact that we had an extensive discussion suggests that that -- the point of limitation was fully understood. That is certainly the case: it was fully understood.
Q. Non-disclosure agreement. The other significant criticism that Lord Carlile makes is, why wasn't there a confidentiality agreement put to this in order to avoid what he considers to be unfair besmirching of Bishop Bell's reputation. I mean, that's probably putting it slightly higher than Lord Carlile puts it in his report, so I'm slightly overegging that, but he considers that it's unfair. I think the church has responded and said, "We think it was right that there wasn't a non-confidentiality agreement and we don't agree to -- confidentiality agreements, I think, rather than non-confidentiality agreements -- think about NDA, the US word for them. What's your view about that, if you have any?
A. As you said, the church has already rejected that proposal. I was very glad to see that. As you said, I'm not a lawyer, so I possibly shouldn't stray into this, but my understanding of --
Q. Well, from the perspective of somebody -- you've identified that you started this process trying to work from the perspective of providing compassionate support to victims and survivors?
A. Exactly.
Q. From that perspective, that's your view?
A. From that perspective, my understanding of Lord Carlile's recommendation with regards to the non-disclosure agreement or the confidentiality agreement, he also suggests -- my understanding of his report is -- that we should have settled the claim with --
Q. Sort of no admission of liability?
A. No admission of liability. From my point of view, from the perspective you just described, that would have effectively been saying, "We are not accepting your claim. We are not going to apologise. We are going to perhaps provide some monetary settlement and we are going to require you to sign a non-disclosure agreement". That is exactly the opposite of where I think the church should be on this issue, from my perspective.
Q. There are now five people. Is that enough?
A. Just. Just. And actually that's very much part of my evidence, that, in my view, we should move beyond -- move away from the diocesan safeguarding adviser and move towards diocesan safeguarding teams. As I have just outlined, my view is that those teams should be multi-disciplinary.

The fact that we've had myself from a probation background, Gemma as an IDSVA, Morag Keane from a child protection social work background, and Helen also an IDSVA has been tremendously useful.

Q. Dame Moira Gibb in "An Abuse of Faith" says, "I think everybody should be a qualified social worker", and she uses that term rather somebody with expertise in child protection. She says that largely because the has been wide variation in dioceses about the nature and experience of people. What's your view about that?
A. I disagree with Dame Moira on that particular point.

I know there will be another piece of evidence given next week by someone speaking at this inquiry who will be saying the same thing. But my view is that it would be a mistake across the next 10 years or so, for instance, to narrow the skill base within Church of England safeguarding teams to any one professional background. And I would be saying this if it is a social worker. I really think the diocese should be required to recruit from probably the three key disciplines: probation, police and social work. And I would be saying this if it were a volunteer training team made up of people with significant professionals skills from within our parishes who put forward their time to deliver a lot of the C1 training, that's the training that should be delivered to anyone on a rota. We are now also delivering C1 via the new online module, which has been extremely well received.

But C2, the leadership module, is delivered by either myself or Morag Keane, or another person and Morag.

We delivered that to just over 1,000 people, I think it is, over the last 14-months: 60 per cent laity, 40 per cent clergy, which is a useful thing to note, actually, because that is a leadership module. I'm quite encouraged that the majority of the leaders from parishes are non-ordained. I'm encouraged by that.

Q. Isn't that absolutely essential?
A. Yes, especially in terms of what I think others have identified in the past, a culture of clericalism. I'm very glad to have the figures to show that leadership in parishes, especially around safeguarding, is more lay than ordained, as evidenced from those figures.

But I do think there is a real value in a member of the diocesan safeguarding team being in those training events, especially those C2 events. It helps people to get to know us, it helps us to get to know them. It means that we are hearing about what's actually going on in parishes, what the real challenges are. As I said elsewhere in my statement, and as Graham Tilby has said as well, the parish is the heart of the Church of England, so we need to make sure that safeguarding teams are closely connected and understanding of what's going on in that context.

Q. Can I ask you identify -- you say that the role of the diocesan safeguarding adviser is more wide ranging than most professional safeguarding roles. What are the main challenges?
A. Across any one week or month, we will be working with the police on investigations, we will be supporting victims of abuse who are coming forward. We will be providing day-to-day advice on safeguarding arrangements to parishes. We will be working with police, probation...
and parishes to manage high risk -- to manage sex offenders in our congregations. We will be advising church personnel on -- perhaps they have a concern about a young person in their church or an elderly person in their church, they are observing those concerns and wondering whether or not to report them to children's services. That's a range -- we may have a church phone us up about someone who has a mental health problem in their congregation, someone who is suicidal, a domestic abuse situation, and so on and so forth. It is very, very broad indeed. That is very much why I believe we should have multi-disciplinary teams.

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

A. Very much so.

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

A. Simple Quality Protects is something we launched last May. So it is effectively an online safeguarding checklist for parishes.

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

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

Q. Does that enable you then to monitor?

A. Yes.

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

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

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

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

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

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

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

A. When my team start to review progress, because until -- a church cannot get -- a parish cannot get an SQP level 1 award until they have provided evidence that they have got all 20 of those things in place, and I do know that, after Easter, when we start to do that, every parish that we look at will have stuff on their website.

So thank you very much for that, because I know that that will be done.

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

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

Q. Just for the chair's reference, it is dealt with at
1 Q. Has that prevented you from being able to do the proactive, forward-looking work?
2 A. It certainly slowed that down, unquestionably. That's why when you asked me, "Is five people enough?", I said "Only just", because it has certainly slowed that down.
3 Q. Do you think it would be appropriate for non-recent abuse cases to be handled separately from a diocese or to be handled by a national team so that your focus is on the here and now, the forward looking?
4 A. Yes, although I would say that, in many ways, the key point about non-recent abuse cases has been handled separately within my team for the last five years, because the IDSVA works with us but not for us. So in independent of the diocese has been there since January 2013. But, yes, I think there are -- there is certainly value in looking at that across the country and whether or not that forward-looking stance -- and that focus on child protection now, on adult-at-risk protection now, is difficult to maintain with the right and proper need to deal with the legacy as well.
5 Q. Do you have any suggestions as to how that could be dealt with? By some kind of ombudsman-type service or having a sort of quasi-investigative service which could provide some sort of -- the compassionate response you identify?
6 A. My suggestion is primarily the IDSVA role, as I have said. That "support to report" model, that working very closely with referring to ongoing counselling and so on and so forth, working closely with police, and so on, that is my main suggestion.
7 Q. You also say, because I think we asked you lots of questions about, if there have been significant challenges, what can change and what assistance the national safeguarding team can do. You identify at paragraphs 68 and 69: "With regards to what the national safeguarding team could do to assist with this, this is a difficult question for me to answer because nearly 20 years of practice has left me utterly convinced that the best solutions almost always arise from the coalface."
8 "A. Yes, that is my view.
9 Q. So --
10 A. So I think there is -- I think there is real value in the national safeguarding team looking at identifying best practice across the country, and, as I say in that paragraph --
11 Q. That's what you are effectively saying. You are saying, "I like the national safeguarding team?"
12 A. Very much, yes.
13 Q. "But it would be helpful for them to go to every diocese and look at best practice" and then --
14 A. And in parishes as well, yes. There will be different pockets of good practice across the country. I have suggested a couple within Chichester, the IDSVA model, Simple Quality Protects, but because I have spent a lot of time with my colleagues around the country, there are excellent ideas that they have had which we have not had, and I think a model of identifying best practice and facilitating other dioceses implementing that as well is a very good model of ensuring that we keep practice as practice focused whilst, as I say in that paragraph, not leaving everyone building from the ground up on a local level.
1. benefit, we had the case of Terence Banks and two other
cases which were involved in and around the cathedral
where there were some very, very serious incidents of
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
appropriate supervision of the cathedral, recognising of
course that the cathedral is a separate body?

9. A. Yes, it is, although in many ways the work with the
cathedral – my team works with the cathedral to some
extent like we work with every parish. It is, to some
extent, the largest parish church in the diocese. But
particularly because it is so important and has such
a strong ministry, I worked with the dean and the
communar – particularly the communar – every year
since my arrival to review their policy and their
procedures, and then, in the last 12 months, we now have
a formal service level agreement with the cathedral
where Morag Keane, who I should perhaps note, I think
someone described her as my assistant earlier this week,
she is the assistant diocesan safeguarding adviser, not
my assistant.

23. Q. She's the ASDA rather than an assistant to you?
24. A. She is.
25. Q. A slightly unfortunate acronym?

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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
safeguarding officer. She has recruited a team within
the cathedral staff, but works with them very
extensively on training, case work and so on.
4. Q. Do you think you have enough powers to regulate
safeguarding within the context of the cathedral? Would
you like to be able to intervene more directly?
5. A. I think the powers exist within the duty to give due
regard. There is very clear House of Bishops
safeguarding policies and so on. So I think, whether or
not I – the powers exist, as they do across the
Church of England now. That's been one of
the substantial changes. The cathedral, like every
other parish church in the diocese, is required to go
through Simple Quality Protects and make sure they have
all of those things in place as well.
6. Q. How about chaplaincies? To what extent are you
responsible, formally or otherwise, for safeguarding for
those individuals who are chaplains?
7. A. Chaplains across the diocese – someone else may give
better evidence, but they hold a licence.
8. Q. Yes. We have heard from Bishop Martin about the
licence.

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1. A. As all licensed clergy are required to do in the
diocese, they are required to do the training, so
I provide training to them. But they are employed and
they work within hospitals, prisons and so on and so
forth, which will have their own safeguarding structures
and policies. So I think, as part of their employment,
they are required to follow those policies. That's my
understanding.

9. Q. Do you think that the church should have any more powers
in respect of being able to regulate what goes on,
because at the moment they are part of your club, so to
speak, but they are not subject – they are subject to
some of your rules, but they are also subject to
somebody else's rules as well. So, for example, an
example was given that somebody might be dismissed from
a chaplaincy in respect of sexual abuse allegations, but
that wouldn't necessarily be reported to you as the
diocese, because you are not the employer, you know, the
licence would need to be held. You would hope and
expect that would be the case but it wouldn't always be
the case?

10. Q. I'm not sure, in terms of a chaplain who is employed
within an NHS trust, actually, whether we would want
them to have two sets of policies. I think it would be
better for them to adhere to their employer's policies.

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13 (Pages 49 to 52)
Q. Can I now ask you about record keeping. I am going to ask you about the blue files. Is there now an adequate system of record keeping within the Diocese of Chichester, and is there an adequate record keeping system nationally, in terms of the national guidance, to avoid the situations that we have spent the past two weeks hearing about?

A. In terms of the record keeping my team are responsible for, we now have an online case management system, a secure online case management system. The acronym is CPOMS, child protection online management system. It is primarily a system designed for a school context. It is used very widely around the country. We have adapted it for use in our context. And that is where any of our case notes and any other material goes.

They are cross-referenced to blue files. A lot of the information that my team collated — if you think about ongoing police investigations, for instance — wouldn’t be appropriate for those to be in the blue files. But there is a note, a very clear note, put in the blue files. If there is safeguarding information, it is a flag, basically, to say, “This cleric, there is other information which must be considered if any decision is made about licensing, transfer to another diocese, and so on and so forth”. That information is held by the safeguarding team.

Q. Do you have unrestricted access to the blue files?

A. Yes, and I always have had.

Q. Do other members of your team also have unrestricted access to the blue files?

A. Morag Keane does, yes. Neither Gemma Wordsworth nor Helen Irving have really ever had a need for that, but, yes, Morag does.

Q. Do you think that the system of record keeping where you have safeguarding files and blue files and they are kept separately should be maintained or should there just be one case management system?

A. As I said earlier, I think there is substantial information my team hold which I think it probably wouldn’t be appropriate to be in a blue file, actually. So I think there needs to be an absolutely fail-safe cross-referencing, so it should never be the case that a bishop could pick up a blue file, complete a clergy current status letter for someone who is looking to go to another diocese and not know that my team holds information. There should be cross-referencing. But I think it would be inappropriate for, as I said, information from a current police investigation — I think my police colleagues would probably be very concerned to find that that information was going into

Q. You have just mentioned what used to be known as the "safe to receive" letters, I think they are now called the SSSL —

A. Clergy current status letter.

Q. Yes, clergy current status letter. We have obviously heard of some examples in the past where there wasn’t adequate consultation with the diocesan safeguarding adviser or there were problems with records coming into the diocese for individuals about whom there were serious allegations made. To what extent are you consulted now when clergy are moving into or out of the Chichester Diocese?

A. Fairly regularly. By "fairly regularly" I mean I’m consulted whenever — or my team are consulted whenever we need to be. It’s just a lot of files don’t have information that require us to be consulted. But before a decision is made perhaps to issue a permission to officiate or a licence to complete a clergy current status letter, that would be flagged up by Bishop Martin. I can think of a couple of times where that’s happened in the last three or four years. One case the inquiry have asked me about, where PTO was withheld after Bishop Martin had asked us to look at a file, and another case where we actually made a referral to a LADO — the person in question was seeking permission to officiate in our diocese. He didn’t have it. Bishop Martin read the file, was concerned, asked us to have a look. We recommended that PTO was withheld but we were also aware he was working in a school, and we flagged that up with the local LADO and the various necessary actions were taken.

Q. As far as PTO is concerned, we have obviously heard that there have been some significant changes. Is there anything you would like to say about any further changes there are to dealing with or managing PTO for you from a safeguarding perspective?

A. Certainly the main changes — all DBS checks are done within my team now rather than the area offices, and no licence or PTO is issued across the diocese without a current and current suitable DBS check.

We are now making that also dependent upon current training as well, so that’s — you have to have both. I should say, and perhaps just for the inquiry to be aware, we have a very large PTO population in Chichester. That’s already been talked about.

Q. Yes.

A. That ranges from perhaps a very recently retired priest who is very active in a parish to, as an example, someone who, when we insisted that all PTO clergy have
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1 to have the C2 leadership training, someone who phoned me up, who was in his late 80s, he said, "I've only got PTO so that I can do funerals for my friends", so I think we do have to be aware of, there is a very big range. PTO encompasses a lot.

6 Q. Do you think, therefore, that there could be the 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 have the full shebang, so to speak, and retired clergy who only wanted to officiate at their friends' funerals had a more limited form of licence? I suppose the question is, how do you regulate that and enforce that?

16 A. I think some of that is possibly beyond my area of expertise, but purely from my own observations, I think the phrase "permission to officiate" seems to encompass a very broad range to me, and I personally think some consideration could be given along the lines you suggest.

22 Q. You now have the Bishops' Safeguarding Advisory Panel rather than the Diocesan Safeguarding Advisory Group. What is the difference between the two groups and do you think that there's any difference in terms of the work

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1 and advice that's given by those groups, by the group now, than there was previously when it was the DSAG?

3 A. I think, perhaps, if I can describe the work of the panel in the three years since it's been formed. So it was formed, Bishop Martin wrote to all of the chief officers or executives of the key statutory agencies across Sussex, essentially asked them to nominate their preferred person onto the newly forming panel. They did, and each nomination was accepted.

10 I think in general terms, as I outlined in my statement, it has always been a very clearly -- it's always been populated by very senior people within the statutory authorities. Bishop Martin was very clear that he wanted the emphasis or the weight to be given more towards the statutory authorities and less towards diocesan staff. I think it was sort of a 50/50 split before, but he was very clear that he wanted it to be more clearly towards the statutory authorities, and that's been maintained.

20 There is an appropriate emphasis on casework, but it is primarily strategic -- strategic, scrutiny and oversight, rather than a case management group, essentially.

24 Q. Just to identify, the members of the group are set out at paragraph 132, but fundamentally they are the former

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1 Chief Constable of Sussex Police, the head of safeguarding of West Sussex County Council, the head of adult safeguarding of East Sussex County Council, a detective superintendent within the Public Protection Branch, a domestic and sexual violence manager and the executive director of nursing and quality from a local NHS Trust, and somebody from the National Probation Service?

9 A. Yes.

10 Q. So it is quite elevated, shall we say, in terms of they are all quite senior individuals?

17 A. Perhaps as an example, Simple Quality Protects arose from the first two or three meetings of that group. Because what they asked us is, they essentially said, "As senior managers within our organisations, we can find management information about that nursery, that school, that care home. Can you find that information about that church or that church?". And at that point, our answer was, no. One of the things we realised is -- and we were very grateful for this -- when you recruit people at that level, that's the kind of question they ask, and Simple Quality Protects arose out of that conversation. It was, I think, a very valuable outcome of a strategic panel like that.

20 Q. The last point before I come on to questions that other
Q. Paragraph 87, chair and panel, page 31. So perhaps you would like to elaborate on that example.

A. The example I give is someone who, prior to ordination, was a teacher. This is hypothetical, although I have to say it is very similar to a case I’m aware of from elsewhere in the country, where, by – at some point during their ordination, they were investigated for an allegation that arose from their teaching career. That investigation doesn’t result in a conviction, but the advice within the strategy meeting is, a lot of behaviour was observed that was very concerning, even though it couldn’t be proved to a criminal standard. As I outlined in that paragraph, there is no possibility of a finding in the CDM of conduct unbecoming, for instance, because the alleged conduct happened pre ordination.

If a risk assessment, as it would be, is commissioned and concludes that person is a risk to children – I’m sure this is something you will be asking the next witness – what can be done at that point under the CDM to me isn’t clear.

Q. One of the things that the inquiry may be interested in is that it seems to me, as you identified yesterday in respect of Wallace Benn, there are two issues: there is the disciplinary issue and then there is the risk management issue?

A. Exactly that.

Q. CDM deals with the disciplinary issue but it doesn’t deal with the risk management issue?

A. Exactly that. In the subsequent paragraph, 88, I outline the conversation I had with a local authority HR safeguarding manager who described what they would do in that context if it was a teacher, which is, essentially, hold them as unavailable for work. “We cannot safely put you back in the classroom because of this risk assessment” and actually moved to dismissal on that my understanding is limited on this one, but I think some more clarity needs to be --

Q. If there is a lacuna, that needs to be filled by some kind of risk assessment or risk management with the appropriate amendments, so that steps can be taken?

A. Yes.

Q. In a way, a number of the cases when you’re looking at retired clergy for whom there wouldn’t be PTO, you might sit there and say, “Is a disciplinary process necessary and proportionate?”. Maybe. I think it is very important to recognise that just because somebody is retired doesn’t mean they should escape the appropriate redress for their actions. However, there would be a number of – but you wouldn’t ever want them to present themselves within the church. So some kind of risk management process or some kind of formality to that?

A. Yes, exactly that.

Q. Now, I am asked to ask you some questions on behalf of Mr Scorer, who is representing the victims and survivors. He is at a firm called Slater & Gordon. At the end of the evidence of Mr Roger Meekings, he suggested three things. Firstly, that there should be an independent safeguarding body to oversee safeguarding in the church. Now, do you think that’s a good idea or not, and, if not, why not?

A. I have provided the panel with a brief --

Q. If I can just identify, we have an additional document, which should be with the panel, it is not in the bundle: “Thoughts regarding independence of safeguarding in the Church of England”. It also has been, or will be about to be, circulated to all core participants.

A. Well, I note that the question is about an independent body to oversee, and I think perhaps my response is slightly more operational than that.

My own evidence, and I accept that other DSAs may give different evidence, but my own evidence is that, of all of the obstacles I’ve faced in the last seven years, and some of them have been huge, the fact that I am an employee of the Chichester Diocesan Board of Finance has never been an obstacle. In many of the obstacles I faced in 2011 through to 2013, the problems with the CDM, the lack of a duty to give due regard, the lack of policy and practice guidance, are already in place and they have grown from a very strong national safeguarding team. I think some of those had to grow internally.

My own view is that the question is not, should everything become independent or should everything stay within, but which bits of the safeguarding should be independent and which bits should stay within. I have provided in that a list of suggestions for consideration. I won’t go through them. But that would be my view. I understand it is obviously a very important question.
Q. In effect, what you say is, victim response should be independent; whistleblowing, there should be anonymous reporting available; discipline, there should probably be a national disciplinary panel rather than having the bishop undertake the first stage or members of the diocese; and a structured system of independent audit; redress -- so having some kind of redress body rather than civil claims; risk assessment by independent personnel; and case review and having a sort of an equivalent of serious case reviews for the church?

A. Yes, and I note that some of those are operational, and some of those are about oversight.

Q. But what you say at paragraph 4 is:

"I would also ask the inquiry to consider what might be lost."

This is for national safeguarding:

"I would be concerned at the possible unintended consequences of communicating that safeguarding is something that should be done to the church. I am concerned this would not create the kind of active, responsive and responsible communities that are likely to be most protective to children and adults alike."

Why do you say that?

A. The research does show that active and responsive communities are likely to be the most protective to children and adults alike. That needs to be balanced with independence and oversight. But I think it's about balance. It's not about one or the other.

As I say in paragraph 1, by far the majority of the Church of England's safeguarding work is done within parishes, and therefore, by definition, will be done by church people. I think the balance needs to be struck to make sure that those people are equipped and expected to be responsible. I think some of it needs to come from within.

I have tried to develop the balance here.

I understand it is an ongoing conversation, but that's why I say that.

Q. I'm also asked to ask you about whether or not there needs to be a complete overhaul of CDM, which was something else which Roger Meeings -- I think we may well in fact have discussed that in the context of the question I asked you previously.

Last, but by no means least, Mr Scorer asks: if anybody in the church, clergy or laity, has knowledge or suspicion of abuse but is reluctant to report it, how do you ensure that they do?

A. If they're reluctant to report it, then if I'm aware of it, they've already reported it, in that sense of -- so, I mean, I can't know what I don't know from that point of view. But, generally, as a general point, that is a very, very strong emphasis of our training. It is a very strong emphasis of all of the guidance we put out, including on the website, the new diocesan website, which is available for anyone to see.

If someone -- I think perhaps that question goes into a wider point about whether reporting should be mandated. Certainly my view is that if people know of abuse occurring or if people receive an allegation, they should be mandated to report that.

I think -- I think a mandated reporting of suspicions starts to become somewhat problematic. That's a wider discretion.

Q. To use an example, the issue of, if somebody said to you, "I have committed a sexual offence", it should be mandatory for that to be reported. Do you think it should be mandatory -- well, I mean, it would have to be by way of a criminal law offence or a civil law offence, in effect, but you don't say that in respect of suspicions?

A. I think it just becomes very problematic. I actually did my Masters thesis on this, so I'm struggling not to get too in-depth into that question.

Q. Yes.

A. The Child Exploitation and Online Protection Centre a few years ago wrote a paper that did highlight those three levels: known, alleged or suspected. And did suggest that there could be some thought given to where the mandated requirement should be put. I certainly think the top two, known and alleged, there should be a mandated requirement to report that.

If I may, I think it's just going to become -- explaining why I'm not sure about suspicions is perhaps just a very involved conversation, but I do have concerns about that.

Q. Well, if it would be possible for you to briefly explain those concerns, or do you not think it would be possible to do so? Plainly, as you will know, this isn't something that just comes in this investigation, it happens across all our investigations, this is something that we are asked about?

A. Yes, I understand that. I should perhaps make clear at the start that questioning whether there should be, as you said, a criminal offence with regards to that is -- to question whether that should happen is absolutely not to question whether reporting should have happened. I think sometimes those two things can get conflated, that if you are questioning a mandated reported law, you are almost challenging the requirement to report, and those two things are very different.
I'm not entirely sure what would be criminalised in a mandated reporting of suspicions law. Would it really be the failure to report or would it be the failure to suspect? What would be criminalised? I understand there could be a "reasonable person" test, but I think it would be difficult to -- it could be difficult to avoid criminalising the failure to suspect, and I just wonder whether that's the right way to go.

That's a very, very distilled version of my Masters thesis, but that's where I am.

MS SCOLDING: Thank you. I have no further questions.

A. Would it be -- sorry, would it be possible just to clarify --
Q. I'm so sorry, I know you did say first thing and then I just launched off in another direction. I know you did want to clarify something, Mr Perkins. I do apologise.

A. Very, very briefly. My point earlier about whether or not safeguarding teams should be recruited from any one professional background, and I understand Dame Moira's point about social work, I'm a probation officer so I understand people could say, "Well, you would say that, wouldn't you?". I should clarify, I'm not saying that because I was a probation officer seven years ago, I'm saying that because I've been a DSA ever since.

I would just simply note that it should be actually relatively straightforward to do an empirical assessment of what safeguarding teams do around the country, and then to match those tasks to the skill set required. It should be possible to come up with a fairly rigorous assessment of what skill sets are required, and my point about not narrowing the workforce is more really about -- well, it is partly about that, actually, but it's also about, if there was going to be an ongoing recommendation for what professional backgrounds should be required, it should follow on from a structured assessment.

Q. Of what the competences are?

A. And what the requirements are according to what we do around the country. I don't think that assessment has occurred yet, and I think a premature recommendation, in the absence of that assessment, would -- well, it would be premature, in my view.

MS SCOLDING: Thank you very much, Mr Perkins.

THE CHAIR: Thank you, Mr Perkins. Sir Malcolm has a question.

PROF SIR MALCOLM EVANS: Thank you, and in a sense, I think it builds on some of the points you were just making.

It also refers back to a question which my colleague asked earlier, which perhaps it would be helpful to have just a little bit more information about.

In the paper on the independence of safeguarding that we have just been discussing, in paragraph 2, you make the point that: "I would be concerned if one aspect of safeguarding, child sexual abuse by church officers, was to become the organising principle around which all aspects were rearranged."

Then you say -- because it hadn't stopped you doing it. This goes back to the question of having more clarity about how much of the work of the safeguarding team is directed towards addressing child sexual abuse by church officers as opposed to other forms of activity.

Your answer to the previous question obviously indicated, and understandably, that at certain points you have been completely overwhelmed with work relating to one aspect, but I think there is still a lack of clarity about on the day-to-day, the ordinary grit of work of such a team, what the relevant balance -- what the balances actually are between the different functions and support that you offer?

A. It is certainly decreasing, in terms of the proportion given to child sexual abuse by clergy, it's certainly decreasing. It's certainly less than 50 per cent of our workload and probably considerably less than that, actually. Those 43 attendance agreements I mentioned, I think one of them arises from child sexual abuse in a church context. Most of them are registered sex offenders who have perpetrated intrafamilial abuse or indecent images of children, and so on. And a lot of our advice -- I think that goes back to a question that was asked of, I think, Bishop Mark a couple of days ago -- is about parish personnel being concerned about what they're observing with families in their churches or in their communities, concerns around domestic abuse, mental health, concerns about signs and symptoms of other forms of abuse with the children in their congregations, and they're asking us, "Should we refer this? What should we do? Who should we speak to?" So that is a lot of our work, actually, yes.

PROF SIR MALCOLM EVANS: Thank you.

THE CHAIR: Just one brief question, referring back to something that arose yesterday. We were interested in your reference to the use of mediation in certain circumstances, and wondered whether this was widespread throughout other dioceses, that such skill sets were available for use in these rather difficult circumstances.
A. Yes.

Q. You also sit as a deputy district judge --

A. Yes.

Q. -- in addition?

A. That's right.

Q. Is it right that the church produced its first set of guidelines for the professional conduct of clergy only in 2003?

A. That's the first time there was a code produced, yes.

Q. But prior to that, individuals had been subject to or had formal guidance from the synod and the House of Bishops, in more informal ways?

A. Well, the 2003 guidelines were an effort to set out guidance for the clergy. Prior to that, as such, I don't think there was a single document which set out the standards to be expected. There was general canonical guidance -- for instance, Canon 26.2, I think it is, which sets out in very general detail the standards that clergy should aspire to. But I don't think there was any particular document which set out in detail aspects on certain issues, so this was the first document, in 2003. That doesn't mean there weren't standards before that.

Q. No, of course.

A. It just means that they weren't produced and recorded in one document, an easy guide for the clergy.

Q. Is it right that these guidelines identify that they are good practice, not a reasonable standard or a minimum standard, but they are the good practice?

A. That was the intention, yes.

Q. They were revised in 2015; is that correct?

A. Yes.

Q. The aims of the guidance, again, are, it says at paragraph 9 of your witness statement, to set out basic, minimum standards of behaviour. Does it now, having been basic, minimum standards of behaviour, attempt to set out something against which clergy behaviour can be judged?

A. It's a useful reference tool, and certainly in cases before a disciplinary tribunal, I have relied upon it, certain aspects in there, which would be relevant to a particular case.

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

Q. In practice, how effectively do you consider that the 1963 measure dealt with disciplinary problems?

A. Well, there were only three cases that got to trial in the whole of the time that the EJM was in force. So from 1963 until the beginning of 2006 -- I think that speaks for itself -- it didn't work.

Q. We have heard some evidence from individuals who are dealing with cases within that period, who have said they considered it unwieldy or were under the apprehension that they couldn't use it in certain cases.

A. From your perspective, what were, as far as you can tell, the main problems of the 1963 measure?

A. It was expensive. It was cumbersome. And it just didn't work.

Q. A working party was set up to consider the measure, and I think that was after 1992. What were the main conclusions of that working party?

A. That the EJM didn't work and it needed to be significantly revised and move away from what was really a sort of criminal-type-based system, into a more modern tribunal-based system based on balance of probabilities, and that way complaints -- it would be easier for a complaint to succeed.

One of the things also under the EJM was that the chancellor sat with a panel of four, and they had to be unanimous to the criminal standard, whereas, these days, under the CDM there can be a majority decision and it's on the balance of probabilities.

Q. Turning to briefly the process for the Clergy Discipline Measure, can you explain to us a little bit about -- again, I know it is in full detail in your witness statement -- how the process works practically?

A. A complaint is made to the relevant bishop, the diocesan registrar for what's called a preliminary scrutiny report, and that's for advice on whether the complaint is of sufficient substance to continue within the process and also whether the complainant has a proper interest, and then the bishop receiving that report makes a decision and effectively it's, does he need to hear from, or does she need to hear from, the respondent, for the respondent to put in an answer, or can the complaint be dismissed at that stage?

If the bishop does dismiss it, he doesn't actually have the final word because the complainant can seek a review from the President of Tribunals, who is independent, and the president can overrule the bishop's dismissal.

Assuming the bishop decides the complaint should continue, then the respondent is invited put in an answer to the complaint. The bishop needs to make a decision based on the answer and the complaint as to what to do, and there are certain options the bishop has.

The bishop could decide to take no further action, but, again, if he or she does make that decision, then the complainant has a right to seek a review of that from the President of Tribunals --

Q. I'm just going to assist you a little bit. Paul, if we can please bring up on screen page 12 of the witness statement and look at paragraph 34. Do you set out there for us in quite neat terms the five courses of action available to the bishop?

A. Yes, that's right.

Q. So we can see -- you have taken us through the first one, "Take no further action"?

A. And then (b), (c) and (d) are all done and can only be done with the consent of the respondent, and (e) also with the consent effectively of the complainant as well.

Then (e) is for an investigation, which is when it would come to me.

So the bishop really -- in some ways, the bishop doesn't have the final say, because if any decision for the complaint to go no further is subject to review of the president and any decision to impose a conditional deferment or a penalty can only be done with the consent of the respondent and with a penalty by consent, the complainant has to be consulted and is entitled to make written representations, and then, if it comes to me for investigation, then effectively the bishop has almost lost control of it. What happens thereafter is not -- the bishop doesn't have an input and it's the president that would decide if it goes before a tribunal, and then the tribunal decides at the end of the trial whether or not a complaint succeeds.

There is a process whereby a complaint can go back to the bishop if the respondent, after it's referred to a tribunal, then has a change of heart and admits the misconduct. Then the bishop can, in those circumstances, impose a penalty, because then it's by consent.

Q. Again, that's covered in your witness statement. You also set out in your witness statement that the CDM provides a separate procedure under which a member of
clergy who is convicted of a criminal offence may be liable to a penalty of removal from office or prohibition from exercising any functions. What I notice is that at footnote 3 you say the same procedure applies if somebody has been divorced by reason of adultery. Is that correct?

### A. Not just adultery. This procedure under section 30 is important in relation to safeguarding cases because, where there has been a conviction, then the bishop can take immediate action — swift and immediate action — and remove the priest from office and prohibit. There are similar powers in respect of matrimonial behaviour. Where there's been a respondent — where the priest is respondent to a petition based on adultery, unreasonable behaviour or desertion, then the bishop can also remove from office without there being a formal complaint having to be made. Having said that, that particular power is not often used because, these days, a lot of matrimonial cases are decided without any trials, and often respondents will let petitions go through without necessarily acknowledging all the facts upon which the petition is based. So bishops are aware of that and looking at the figures, that particular aspect, in respect of matrimonial breakdown, is not all that often used.

### Q. Can we turn, if we can, to some critique that has been made by others of the 2003 measure. One is that none of the categories of misconduct under the 2003 Clergy Discipline Measure expressly included a charge of acting in breach of safeguarding duties. I understand that's now been rectified with section 5 of the Safeguarding and Clergy Discipline Measure; is that correct?

### A. One of the grounds is, yes, failing to have due regard to the House of Bishops safeguarding policies, yes.

### Q. So it is a disciplinary offence to fail to have due regard to the House of Bishops guidance on safeguarding children?

### A. It is a specific disciplinary matter. That doesn't mean that previously a complaint could not have succeeded. It would have been done on a different basis. So there was a case that went to tribunal in which a respondent — the complaint was brought by the diocesan safeguarding adviser, and it was that the respondent hadn't followed safeguarding policy.

### Q. So the case of Bishop Benn that we have already heard about?

### A. No, no.

### Q. A different one. We don't need the individual's name necessarily. I'm just checking we are not covering the same ground.
A. I can see that -- the letter is dated 28 August, and she says she's retiring at the end of August. I suspect by the time I got this she'd actually already retired. At the end, she talks about my speaking to her successor, Pearl Luxon.

Q. Yes.

A. This is 12 years ago. I honestly can't remember what discussions I had with Pearl Luxon. I know I had the letter, because I have checked, and I have saved it on my computer at work. A lot of these -- well, most of these things we have actually dealt with over time.

Q. Over --

A. When she wrote it -- the trouble is, when she wrote this, it was still very early. The measure had only come into force on 1 January. We hadn't had a case yet that had come through and gone the full distance to a tribunal. There will have been discussions about this, but I'm afraid I can't remember them now.

Q. The visitation to Chichester also made a number of other comments and recommendations around CDM. I'm just going to highlight some of their main concerns. One of which was the problem with suspension. What they noted -- Paul, if we can bring it back up, please, paragraph 6 of...
A. That person doesn't even need to be the complainant. The archdeacon could make a complaint on that person's behalf, so the archdeacon would do the writing in of the form and producing the evidence, having listened to the person who's making the complaint. But complaints have to be in writing. You can't make them orally.

That system just wouldn't work. A complaint has got to be recorded in writing so that everyone is clear what the complaint is.

Q. In relation to the questions she raised about the standard of proof, have there been any changes made in relation to that?

A. The standard of proof has always been on the balance of probabilities. When the measure came in, the understanding was that there was a flexible standard because there was dicta from Lord Nicholls in a 1996 case and civil courts were following that, but since then there's been a restatement by the House of Lords that balance of probabilities means balance of probabilities, so balance of probabilities means balance of probabilities.

Q. What she said is, whilst it was formally the civil standard, she felt as if in cases people were approaching it as if it was a criminal trial. So, in effect, people were applying, albeit not necessarily expressly, the criminal standard. Could that be, as you say, a result of the way that the law was set out at the time, perhaps some confusion, or do you disagree completely that --

A. It's never been a criminal procedure, and she hasn't sat in on a single tribunal hearing, so I don't know, frankly, how she can say it always felt like criminal procedures. The tribunal hearings are not conducted along criminal lines.

Q. She says, at paragraph 133 of her witness statement, Paul, on page 28, that she was concerned about the need for a meeting with the national CDM officer. So the complainant had to attend a meeting with the national CDM officer which was a one-to-one meeting:

"I do not think that even a supporter was allowed to attend with the complainant. It was the CDM officer (a man) who then judged the credibility of the complaint based on the documentation from the diocese and this single interview, and made recommendations (or possibly even made decisions) about what should happen from that point onwards."

She said she felt that that was bad practice on many levels, particularly for sexual abuse cases. How would you respond to that?

A. I imagine she means me, "the CDM officer", that can only refer to me.

Q. Yes, I think she does.

A. If I did that, then, yes, it would be bad practice, but that's not how it works. When I contact complainants or witnesses who aren't the complainant but in effect they are the complainant, I always suggest to them that they should have someone present with them -- a friend,
a supporter, relative — and I always ask them where
they would like to meet me, and often they will want to
see me at their homes, and usually I do go to their
homes. I will meet them wherever they want to meet me.
The only complainants who will come to my office are
archdeacons, who are quite familiar with Church House
and, frankly, would rather come to Church House to see
me than for me to go out to wherever they might be.

So I don't see complainants, lay complainants, on
their own. I wouldn't do that because, apart from
anything else, I want to protect myself. I wouldn't
want to be alone with one other person who I have not
met before.

Q. Is there any --
A. And I am conscious that when I see these people I am,
you know, a grey-suited lawyer from London and the one
ingredient I want is for them to feel at home when they are
talking to me, to feel comfortable, so that they can put
their side over to me in the way that they want to. So
that is my practice.

Q. Do you have any background or training in safeguarding
matters or in dealing with children or vulnerable adults
to help you in that role?
A. I have been to a number of safeguarding conferences and
seminars with diocesan safeguarding officers, so I've
been present when a lot of issues have been discussed.

In terms of my professional practice, dealing with
vulnerable adults, certainly, when I was in private
practice and in the early days at the Bar, I would often
represent applicants for injunctions for domestic
violence and, as a deputy district judge, then these
days I'm used to hearing applications and giving
injunctions in cases of domestic violence.

Q. Do you have or receive any training in dealing with
vulnerable witnesses? For example, those who practice
in the criminal courts receive special training in
dealing with vulnerable witnesses so as to do so
sensitively but also to elicit the best quality
evidence. Given that you are discussing complainant's
complaints with them, do you do, or do you think you
would be assisted with, any training of that kind?
A. The specific training I have had was with witnesses, in
general, how to get the story out of a witness and very
much a question of listening to them rather than
cross-examining them.

Q. But nothing specific on vulnerable witnesses?
A. Nothing specific on vulnerable witnesses, no. But in
terms of — certainly, in terms of vulnerable witnesses,
I realise that it is important to listen to them rather
than for me to go in and start asking them questions.

It's for them to tell me what they want to tell me.

Q. The final thing and, again, it's — she mentions this,
of course — you are a man, and not all of
the complainants will, and not all complainants will
be comfortable meeting with a male. Is there
a provision for somebody to meet with a female instead
of yourself? Is that possible, or ...?
A. If someone were uncomfortable with it, then -- and this
has happened -- I would have somebody with me, such as
a female diocesan safeguarding officer. That's
perfectly possible.
Q. But there's no means by which somebody who doesn't want
to meet with a male at all -- and some might not,
particularly some female complainants. Is it possible
or is it feasible --
A. No-one has yet said "I don't want to meet you".

Usually, they are glad to meet me and tell me what their
side is. If someone did say, "Well, actually, I don't
want to talk to a man", I would make arrangements for
somebody else to do it.

Q. After these meetings is there a follow-up in terms of
counselling or support?
A. That's the responsibility of the bishop. He has
a role/responsibility for pastoral care in respect of
both complainants and respondents. That's done at
diocesan level. It makes sense, because I'm in London,
the complainant could be anywhere in the country. It
must be done on a local basis and it's the bishop's
responsibility. She or he will ensure that sufficient
pastoral care and support is given. And the Clergy
Discipline Commission often reminds bishops of their
duty to ensure there is proper pastoral care and
support. It's in the code of practice but they also get
timely reminders.

Q. Ms Hall also says she tried to raise this both with the
Head of Legal office and the CDM offices directly. She
said, "Both were very senior, experienced church lawyers
but I was not able to convey to them the systematic
nature of my concerns. In both discussions I was left
feeling that it was viewed as a personal criticism of
the officer rather than constructive feedback about the
system". Is that a meeting you recall and is that
a description you would accept?
A. I have no recollection, I'm afraid, of such a meeting
with her. I'm not saying it didn't happen. I just
simply do not remember it. I don't remember any
concerns. If, as a result of a meeting, she said, "I'm
really not happy about that", I would have expected to
remember if she said, "I'm really not happy about this".

Q. One other question she raises, and I wonder if it is
A. One thing that I would quite welcome would be, if a case gets to a tribunal, then it would be helpful to have someone with safeguarding experience as one of
the tribunal members.

Q. What she specifically says is, somebody with
safeguarding experience would look at it – particularly
a safeguarding case -- through a safeguarding lens,
would have experience in the context of sexual
offending, and would have knowledge of the appropriate
guidelines. Is that something --

A. I think that sounds like it comes at an earlier stage.

Often -- talking specifically of child sex abuse cases,
the diocesan safeguarding adviser will be involved at an
early stage. The diocesan safeguarding officer will be
giving guidance and advice. That should be covered.

That's nothing to do with procedures under the CDM, it's
just something that can be put in place and is in place
in terms of practice. When complaints are made of
a safeguarding nature, the diocesan safeguarding adviser
will be involved. The extent to which they're involved
is very much in their hands. They will apply their own
experience and judgment and take what role they think

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Q. So you think that was always the case but perhaps not
everybody had appreciated that?

A. Yes, it's always been the case.

Q. Prior to the amendment, had you had many cases of
the diocesan safeguarding adviser bringing the
complaint? Do you think it was widely understood?

A. Diocesan safeguarding officers tend not to make the
complaint because they're involved in another role.

It's generally the archdeacon that will make the
complaint. I think the code has always said that
archdeacons have a proper interest. So I don't think
that's been -- that was actually a practical problem,
but the code was amended just to make sure anyway.

Q. The 2013 amendments we have mentioned -- and rather than
spend a lot of time on them, they are summarised or set
out in full at paragraphs 42 to 49 of your witness
statement. I just want to draw out, for the purposes of
the transcript, some of the key features.

The 2013 amendments enabled striking off where there
had been a conviction even where somebody was not
imprisoned; where somebody was included in a barred
list, they would be disqualified without the need for
further proceedings. And I understand, prior to this
point, inclusion on the barred list would not lead to
removal or discipline under CDM necessarily?
A. It had to be done the long way, yes.
Q. Yes, and no longer does. But you say that the church
did deal with a case whereby someone was removed after
a tribunal when they were on the barred list, but that,
if that person had been a curate, they might not
necessarily have been able to. So that sort of lacuna
has now been filled?
A. It was a nice point of law. I'm glad I didn't have to
argue it.
Q. But that lacuna has now been filled?
A. The lacuna has now been -- yes, it is not a problem now.
Q. The code of practice has also changed, including to
allow a certain degree of anonymity; is that right?
A. The complainant must, if it gets past preliminary
scrutiny stage, the name must be given to the
respondent, but contact details are not given to the
respondent.
Q. As you say -- we have already touched on it -- it
expressly says that if someone has been abused that
might be a reason to extend time -- it did in 2013,
sorry. It identified that CDM could be pursued even if
someone had been acquitted. I think that was amended in
light of the visitation. Is that right?
A. Yes, I think that is right. I mean, it was always the
position that a complaint could be made. What the code
of practice did was clarify specifically that
a complaint could still be made, notwithstanding there
had been an acquittal.
Q. Do you think that prior to making that explicit, there
had not been a sufficient understanding that people
could bring complaints in those cases?
A. Well, it was in the visitation report, so --
Q. You would accept that?
A. -- that was followed.
Q. We understand also it is right that those amendments
were debated and that MACSAS had an opportunity to
contribute their thoughts; is that right?
A. They were invited to each of the synodical sessions, the
debates and, at the Revision Committee stage, they had
representatives who made submissions, oral submissions,
to the committee and also some written submissions.
Q. Turning to safeguarding-specific amendments, you explain
at paragraphs 75 to 79 of your witness statement -- we
have touched on it again -- that prior to 2016, there
was no legally enforceable general duty on office
holders to have due regard to Church of England's
safeguarding policies. That's right, isn't it?
A. Yes. As I mentioned earlier, it was still possible to
make a complaint if someone did not follow child
protection policy, but it wasn't -- it wasn't an easy
thing to do. This has made it a lot easier.
Q. The question is, why do you think -- and can you help
us -- it was set out to have a due regard to the
safeguarding policy as opposed to setting out
a mandatory duty to follow the safeguarding policy?
A. It's the policy. I assume you have read it, it is quite
long, it covers an awful lot of areas, and it's not
written in terms of sort of legislation. It wouldn't be
feasible to say, "You must follow the policy", because
a lot of it might not be applicable anyway to
a particular respondent. This was the best way of
doing -- having due regard to the policy.
Q. Do you think "due regard", of itself, whilst lawyers
might well be used to talking in terms of the phrase
"due regard", do you think that "due regard" might
create too much wiggle room in what is clearly such an
important issue?
A. Those who have to have due regard to it will know
they're supposed to pay due regard to it. I mean, this
is -- it's a duty imposed --
Q. What "due regard" means --
A. It is a duty imposed on specified people -- archdeacons,
priests, church wardens, PCCs -- and they are specific
office holders and guidance and instruction can be given
to them about precisely what they need to do and what
"due regard" means, so I don't think that's a problem.
Q. What has been done to ensure that this principle has
enough legal bite, for want of a better word?
A. One of the things in relation to the PCC, they have to
now specifically mention in their report, annual report,
that they have had due regard to the policies. In terms of
-- and that covers also church wardens, obviously,
because they are necessarily ex officio on PCCs. The
other people covered by it are bishops, clergy,
archdeacons. They have been given guidance that they
must have due regard to it. They know there is teeth in
it because they know that if they don't, then they are
subject to disciplinary procedures under the CDM, and
that's, for instance, set out expressly in the 2015
guidelines on professional conduct. But it's expressed
elsewhere. I mean, they know they have to have due
regard to the House of Bishops policy. It really isn't
an issue.
Q. We have talked about limitation already, and the changes
that have been made to limitations. In relation to
suspension, is there the power now to suspend someone
pending an application to make a complaint out of time?
A. Yes, there is.
Q. Does that now, do you believe, make it sufficiently
clear that suspension is a wholly neutral act? Because...
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<td>1 We have heard from others that it wasn't exercised in 1 procedure, the president has to be consulted before 2 some cases because it wasn't considered to be 2 a penalty is imposed. That's not a penalty by consent, 3 a sufficiently neutral act? 3 that's a penalty following a conviction in the criminal 4 A. Well, notices of suspension do say that it is a neutral 4 courts, and a penalty can't be imposed without 5 act. It doesn't mean that any judgment has been made. 5 consulting the president. 6 A respondent may not feel that it's a neutral act, but 6 In terms of monitoring, bishops are also encouraged 7 it is intended to be a neutral act. It's there to hold 7 to talk to one another if they are in any doubts about 8 the ring, but it doesn't mean that any judgment has been 8 penalties that would be appropriate, and to consult and 9 made. If suspension is necessary, well, then, it's 9 make sure that they're not out of step with their 10 necessary, and — but it is prefaced on there not having 10 brother bishops. 11 been a judgment as to whether or not a complaint will 11 Q. But there's no formal auditing or …? 12 succeed. 12 A. At the end of each year, dioceses are asked for 13 MS McNEILL: Chair, I note it is 1.00 pm. I don't have very 13 complaints, a sort of return to be filled in, which will 14 much left for this witness, but perhaps if we take lunch 14 show the level -- the number of complaints in each 15 now, I will be able to trim it down even further, 15 diocese and how each penalty -- how each complaint was 16 because I think he has answered most of my questions. 16 dealt with, and that's received by the Clergy Discipline 17 THE CHAIR: Thank you, we will take the lunchbreak. 17 Commission. 18 2.00 pm. 18 In terms of any individual case, the commission 19 (1.00 pm) 19 doesn't look into particular cases to see if a penalty 20 (The short adjournment) 20 was appropriate, so to that extent, they're not 21 2.00 pm. 21 monitored, no. 22 MS McNEILL: Chair, thank you. For the absence of doubt, 22 Q. What might be a related point, inverting my order, 23 Mr Iles, I, of course, took another look at your 23 I apologise, is the rule 10 we have had from Mr Scorer 24 statement over lunch and I am confident it covers most 24 of Slater &amp; Gordon who represents some of the victims 25 of our areas. I want to pick up on three discrete 25 and survivors, who asks: do you keep a record of</td>
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a better position to advise you about the level of complaints at diocesan level.

Q. The next is not necessarily a question, I preface, but more drawing out an important element of your evidence. What you say is that it was only recently, in 2016, that the code of practice identified that, where there had been an acquittal, there would still be some disciplinary proceedings. It is at paragraph 177 of your statement. Because previously, where there had been an acquittal, is it right that there would not be a CDM or it would proceed on exactly the same lines as the criminal case?

A. I think we touched on that this morning.

Q. Yes.

A. The code was amended to clarify that notwithstanding a committal, it is still possible to bring a complaint. That's why I wanted to raise that paragraph of your statement.

Q. That might have been my misunderstanding this morning.

A. That doesn't mean that a complaint couldn't have been brought before the code was clarified. It just points out that it can be done.

Q. That might have been my misunderstanding this morning.

A. I think we touched on that this morning.

Q. I may well have said, "This is my last question", three times, but this is my actual last one: do you have a view, with your vast experience, as to whether there is a significant development that you think should occur in CDM to assist in dealing with safeguarding matters specifically?

A. Well, I'm not a policy maker.

Q. No, no, but in your experience.

A. I'm only staff. In my experience, I think it's actually worked quite well, and a lot of criticisms aimed at it are based on, often, misunderstandings of the way the measure can be made to work. That's my own experience.

MS McNEILL: Chair, that concludes all of my questions. Do you or the panel have any questions for this witness?

THE CHAIR: No. We have no questions. Thank you very much, Mr Iles.

MS McNEILL: Thank you, Mr Iles.

(THE WITNESS WITDWREW)

MS McNEILL: Chair, our next witness is Sir Roger Singleton.

MS McNEILL: Chair, while Sir Roger is settling himself, just to identify, we have had a chance to reflect again on the timetable and consider it would be helpful to update you and the panel and others at this stage.

There are a number of witnesses, whom you will have seen on the timetable, whose statements we had proposed to read, both last week and this, but, as you will notice, we haven't had the chance to do so.

We have looked at the timetable again for next week and, again, we think that we are going to be short on time. So for those reasons, we believe that the best use of time is to hear the oral evidence of our live witnesses as fully as possible, and so we propose, chair, with your agreement, to read in full only the following statements: firstly, to finish off the statement of Baroness Butler-Sloss; secondly, to read in full the first witness statement of Lord Carey of Clifton, which is very short; thirdly, to read in full the witness statement of Peter Ball; and, lastly, to read in full the witness statement of AN-A17, who is a victim and survivor who is unable to come and give evidence before us.

It is anticipated that we may have time either on Monday, the 19th or Tuesday, the 20th. But as we have done so, so far, we intend to do so as and when some space arises. For the remaining witnesses, we will upload their witness statements to the website in full and I will not read the URNs out now, but probably on Monday morning at a convenient moment, because I don't want to delay Sir Roger's evidence any more than I already have. Thank you very much, chair and panel.
SIR ROGER SINGLETON (sworn)
Examination by MS SCOLDING

MS SCOLDING: Thank you very much. You are Sir Roger Singleton; is that correct?

A. It is.

Q. I am to call you Sir Roger, for the purposes of this afternoon; is that right?

A. If you wish, yes.

Q. Can I ask you to turn to your witness statement, which is dated 21 December 2017. This is just for the record and will be placed upon the website at an appropriate moment, at ACE025937. Don't worry. You don't need to worry about that, Sir Roger. As you have it in front of you, have you had the opportunity to read it recently?

A. I have, yes.

Q. Is it true, to the best of your knowledge and belief?

A. With one modification, yes.

Q. I understand there were a couple of minor modifications.
Firstly, chair and panel, at paragraph 4 of Sir Roger's witness statement, he now understands that Donald Findlater was consulted during the drafting of the House of Bishops protocol, albeit Mr Findlater has no recollection of that. However, neither Mr Findlater nor any other members of the IST had any involvement in the conduct of the PCR in any dioceses. So that's two acronyms in less than a sentence. That's the independent safeguarding team and the PCR, past cases review. Although, having sat on the Bishop of Guildford's safeguarding panel for some years, Mr Findlater was aware of the past cases review being conducted in the Diocese of Guildford.

There is also an amendment to one of the exhibits. The document date in the index should be -- this is exhibit 5, ACE004812. The document's date in the index should be 22 July 2009 and its contents are identical to ACE004813, which is exhibit 6. A few matters of housekeeping, Sir Roger. You obviously have a bundle in front of you which has the exhibits that we may be asking you to look at. They will also come up on screen, if you need to see them.

Secondly, if you need a break at any time, please do let me know. We are not confined to the breaks that we usually take.

Thirdly, this isn't a test of memory. I know -- we have read your witness statement which is very detailed, but, plainly, you are permitted to refer to notes and to refresh your memory if you need to do so.

Can I firstly deal with your background and expertise in child protection and safeguarding, which you set out at paragraph 1, page 1, of your witness statement. Just a selection of your previous roles, chair and panel. You were the chief executive of Barnardo's from 1984 to 2005; is that correct?

A. Yes.

Q. From 2007 to 2012, you chaired what was then called the Independent Safeguarding Authority, now it's the Disclosure and Barring Service, which was a Home Office agency created specifically to decide who should be statutorily barred from working with children and vulnerable adults because of the risk they posed to them.

You are currently a member of the Home Office Independent Returns Panel and the social care route chair of the Institute for Apprenticeship. Since 2016, you have been the independent chair of the Diocese of Chelmsford Safeguarding Advisory Group and also a member of the Church of England's National Safeguarding Panel. Is that correct?

A. Yes.

Q. First things, what is the National Safeguarding Panel and what is your role upon it?

A. The National Safeguarding Panel I think is an advisory body on the church. In my experience, it doesn't decide anything. It comments on drafts of policies. It comments on the work programme of the national safeguarding team. But it doesn't, for example, hold the church to account in any way for any of its safeguarding activities.

Q. Do you think it should have that power?

A. I'm increasingly thinking that it should, having been a member for about four years. I'm increasingly feeling, where is this going? What impact is the group having? I would have thought that there was a valid role for the panel to look, for example, at the responses which the church is making to some of the significant reviews and inquiries that have been held, and to comment positively or negatively, as the case may be.

Q. So at the moment, you are a purely advisory body, but some form of enforcement -- or some form of critiquing, some form of more extensive critiquing, would be something that you feel the National Safeguarding Panel could appropriately fulfil?

A. I do.

Q. I'm going to now ask you about, you have been leading -- or you are part of the moderating process. I think that might be more appropriate. Because there are other individuals. Which is looking at the past cases review, which I am going to call the PCR. I believe that's the...
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<td>A. It is.</td>
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<td>Q. I just want to ask you a few questions about the work</td>
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<td>that you have been doing moderating that process. But</td>
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<td>review was.</td>
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<td>A. Yes. There were a series in 2007 of high-profile cases</td>
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<td>involving people who had been abused by the church. The</td>
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<td>particular case of a Peter Halliday, a choirmaster, who</td>
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<td>was allowed, as it were, to leave his role quietly with</td>
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<td>nothing said, provided he kept away from children, which</td>
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<td>he subsequently didn't, that hit the headlines, and</td>
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<td>I think that the House of Bishops decided at that point</td>
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<td>that it would be appropriate to conduct some form of</td>
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<td>Q. Can you just briefly explain – and you set this out in</td>
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<td>some detail at paragraphs 15 through to 29 of your</td>
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<td>witness statement. So we have obviously got quite a lot</td>
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<td>of detail, but how was it in fact done? What was the</td>
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<td>process by which these past cases were reviewed?</td>
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<td>A. The House of Bishops asked a working group to develop</td>
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<td>24</td>
<td>a protocol for how the then 44 dioceses should conduct</td>
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<td>their PCR, and, basically, this comprised of three</td>
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<td>elements: the then diocesan safeguarding adviser was to</td>
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<td>prepare for an independent reviewer – and I will come</td>
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<td>back to that in a moment. The DSA was to prepare for</td>
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<td>the independent reviewer a list of all known cases of</td>
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<td>concern or abuse.</td>
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<td>That was to be handed over to the independent</td>
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<td>reviewer, who would examine it, ask for background</td>
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<td>information, and then pass on recommendations back to</td>
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<td>the diocese about what action should be taken. That was</td>
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<td>Strand 2 was that the bishop was to write to his</td>
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<td>predecessors and former senior staff who might have</td>
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<td>knowledge of cases which perhaps had either not been</td>
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<td>recorded or not been recorded very fully. Some 900</td>
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<td>letters were sent out, some 700 responses were received.</td>
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<td>The third element was that the independent reviewer</td>
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<td>was to review all the files of active clergy, those with</td>
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<td>PTO, those who had retired but were believed to be</td>
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<td>living in the diocese, lay employees, and to identify</td>
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<td>any cases of concern which would then be added to the</td>
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<td>known cases list. That was the process.</td>
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<td>Q. From the work that you have undertaken sort of</td>
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<td>moderating that process, did that process occur in all</td>
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<td>the dioceses?</td>
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<td>A. It was mixed. The requirement of the House of Bishops</td>
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<td>protocol was that the independent reviewer should be</td>
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<td>someone suitably qualified and experienced who was</td>
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<td>independent, ie., not employed by the diocese. The</td>
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<td>qualification requirement was met in most, but not all,</td>
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<td>cases. The independence requirement was met in most,</td>
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<td>but not all, cases.</td>
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<td>Those are the points of comment, really, that</td>
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<td>related to that part of the process. One of the most</td>
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<td>difficult aspects, I think, for the diocese at the time</td>
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<td>was the file review, because the protocol assumed, first</td>
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<td>of all, that files existed; that people knew where they</td>
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<td>were; that they hadn't been weeded in pursuit of a data</td>
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<td>protection policy; and that they actually surfaced.</td>
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<td>Over 40,000 files were reviewed, but it is clear in</td>
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<td>what has happened in the decade following the PCR that</td>
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<td>further files have come to light.</td>
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<td>So that was a second and quite significant weakness</td>
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<td>in the process.</td>
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<td>19</td>
<td>Q. I think, in your witness statement, at paragraphs 38</td>
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<td>through to, really, 54, you set out in some detail,</td>
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<td>firstly, the process you have just described and also</td>
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<td>significant difficulty was the fact that literally</td>
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<td>I think people were finding files in garages and stores</td>
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<td>and people were trying to find things, but -- I think</td>
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<td>1</td>
<td>Chichester gives us a very good example of this. There</td>
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<td>were four or five different sources of filing, some of</td>
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<td>3</td>
<td>which were viewed and some of which weren't viewed, and</td>
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<td>4</td>
<td>Roger Meekings, who carried out the Diocese of</td>
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<td>5</td>
<td>Chichester – in fact, there were bits and pieces he</td>
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<td>6</td>
<td>didn't find, not because he didn't look for them but</td>
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<td>just because they weren't on the files he was given?</td>
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<td>8</td>
<td>A. We saw good evidence that considerable efforts had been</td>
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<td>9</td>
<td>made to locate files which were believed to exist but</td>
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<td>10</td>
<td>couldn't be found. I think a second point of weakness</td>
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<td>11</td>
<td>in relation to the files was that the protocol assumed</td>
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<td>that files existed. In relation to readers, very often</td>
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<td>they didn't, unless, &quot;there was an issue&quot;. In relation</td>
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<td>to PTO, it was also very, very variable from diocese to</td>
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<td>diocese.</td>
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<td>16</td>
<td>Q. What, whether or not there were any records at all?</td>
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<td>17</td>
<td>A. Whether there were any records at all, and certainly, in</td>
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<td>relation to those retired clergy who had had PTO over</td>
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<td>19</td>
<td>many years, there was virtually nothing.</td>
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<td>20</td>
<td>Q. The other issue that you raise is, it wasn't just</td>
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<td>whether or not the files could be found, it was also the</td>
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<td>information that was then on the files. I understand</td>
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<td>that there were concerns about, you know, basic things,</td>
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<td>like things weren't legible or there was very scant</td>
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<td>25</td>
<td>information, or there wasn't in fact the information</td>
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<td>1 which has now subsequently come to light about the very difficulty. Would you like to comment upon that at all?</td>
<td>1 interrogated that and applied the filters of known cases and cases which led to formal church action, the number had been reduced to five, and then it was subsequently further reduced, on re-examining the House of Bishops minute, to two. And if you look at the press notice, it was in fact 13, if my memory serves me correctly, 11 of which were dealt with via the statutory route and those two were the difference between the 13 and the 11. So I think if the church had been wanting really to give a fully honest -- there was nothing wrong -- there was nothing dishonest about what they said or wrong, but to give a full picture of the concerns which the past cases review had unearthed, then they would at least have added categories that said, &quot;As a result of this, so many cases which were already known about, but in the view of the independent reviewer, and the diocese subsequently, had been inadequately dealt with&quot;, and certain cases in the Chichester Diocese would meet that criterion.</td>
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<td>2 A. Well, everything you have said is true, and was extensively reported upon, adversely, by the independent reviewers. In fact, if there is a single recurring theme throughout their report, it's the state of the files. I think also from a particular safeguarding perspective -- there appeared to be a reluctance on the part of some of the people who had made the records to actually say what the issue was. You got all sorts of euphemistic phrases like &quot;a lapse in the past&quot; or &quot;an unfortunate error of judgment&quot;. I believe Dame Moira Gibb found similar things in relation to her review. So having confidence in what -- about was actually recorded was a difficult issue for the independent reviewers.</td>
<td>2 Q. One of the issues that a lot of individuals have raised, and one of the concerns they have had with the past cases review is that, as you say, 40,000 files were reviewed, and I think -- I can't remember whether it was 11 or 13, but ultimately, it said there were only 13 cases which were causes for concern. Well, we have dealt with more than 13 cases here, of which the vast majority predate the past cases review rather than postdate it in terms of when the allegations arose. How successful was it at communicating what the current problems were and what the past problems had been? I mean, I know I'm asking you to be quite broad brush, but we have a lot of detail in your witness statement. But I think just picking out those major themes.</td>
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1. parish employees had not even been considered, was, again, I think, unwise.
2. Q. Of course, that leads to the difficulty which I think possibly still exists, which is, you may well have individuals who work for parishes on a voluntary or an honorarium basis and there won't necessarily be files about them within the central diocese unless they're recorded by the safeguarding team. Files are not necessarily routinely kept about those sorts of individuals.
3. I think we might come on later, when I am going to ask you about recommendations in the future, as to whether or not anything practical can be done to try to solve that problem, because, in the very nature of a voluntary institution which is largely lay, there is a limit, I would imagine, to how far one could supervise or monitor those sorts of situations.
4. Can I also ask, there was some concern, or there has been some concern, expressed that sexual offences which had been dechristinalised from the -- were excluded from the review, and it is not entirely clear whether or not, in fact, what that would have done would have been to exclude the sort of 16 to 21 age group, when they would in fact have been criminal offences when it was, before 1992, obviously 21 and, before 2002, obviously 18, and

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1. there was also some concern about the fact that it said, "Inappropriate behaviour not amounting to abuse, ie, misjudgments by youth workers" were excluded.
2. Again, do you think that those were significant problems or led to significant problems?
3. A. In relation to the first -- sorry, let me say, I can't actually answer that question because I haven't seen any evidence at all which would explain why the guidance that went out about excluding those 16 to 21-year-old cases, I don't know what the thinking was.
4. I have to say -- and I really would need to consult with my two colleagues to be reliable on this -- that we didn't see many cases of -- I'm sorry, I think I'm going to stop there, because I think I'm getting too much into the area of speculation, and I wouldn't -- if challenged, I wouldn't be able to evidence it for you.
5. So I think my straight answer is: I don't know what the impact of that instruction was.

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1. the statistical returns, was there any other obvious reason why the number of cases going in and then the number of cases which eventually appeared diminished so drastically or there was asked to be reconsideration of those returns?
2. A. I'm not aware of any reason. I've been thoughtful about this. Let me say two things which I know as matters of fact: one is that neither I nor my two colleagues have come across any piece of written data that would suggest that there was a deliberate intent on the part of the church to reduce the numbers so that they looked less damaging. We have not come across anything that was written to that effect.
3. The second point is that, when we were unable, because she was unwell, to meet with Pearl Luxon, we did meet with the then diocesan safeguarding adviser for Oxford, who had been helping the national church --
4. Q. That's Stephen Barber?
5. A. Stephen Barber, who had been helping the national church with its analysis, and I put to him very much the question, "Was there any attempt to make these figures look less damaging?".
6. Q. Was there any massaging of the figures?
7. A. Was there any massaging. He was absolutely adamant that there was not and that he would not have been a party to it had he encountered it. So that is what I know.

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1. Q. Just to identify, you set out in some detail -- because we asked for an explanation of every single one of the dioceses where it was asked. I don't think we need to go through them. But it is set out in your witness statement at paragraph 90 through to paragraph 119.
2. Just to be clear, if anybody is reading along at home or wants to read along at home, just to be clear on that point.
3. I think you have already identified that you don't think that the published results accurately represent the true scale of concerns. Having been in a situation to look through them again, do they tell us anything useful about either prevalence or patterns of abuse that the inquiry should know about?
4. A. I don't think they tell us anything new.
5. Q. Right.
6. A. No, I don't think -- the distinctive thing about abuse within the church, it has always seemed to me, is the abuse of the sacred trust, and the well-known phrase, "If you can't trust your doctor, your lawyer and your priest, who can you trust?" I think that places a greater onus on certainly members of the clergy to set themselves a higher standard of behaviour than even other professionals working with children.
But, no, I cannot say that I could divine anything that is more distinctive in terms of the way adults went about abusing children.

Q. Do you know why the narrative reports -- as I understand it, statistical returns were produced, but narrative reports were also written for every diocese. Do you know or has anybody been able to explain to you, because you weren't around at the time, has anybody explained to you, for the purposes of giving evidence to the inquiry, why those narrative reports weren't produced either at a diocesan level or at a national level? You set this out, if you need to, at paragraphs 132 to 137 of your witness statement, Sir Roger, page 32.

A. Thank you. Perhaps I should just explain: there was some lack of clarity in the House of Bishops protocol about just what reports should be produced, and the advice is not always consistent. But if you boil it down, I think each diocese was asked to produce -- and when I say "diocese", I mean -- I think it was down to something called the diocesan child protection management group, which is a sort of -- I think a predecessor --

Q. It was the predecessor of the DSAG?

A. That's right, of which not all dioceses had them at that point. But they were to produce a report which in practice meant that the diocesan safeguarding adviser wrote the report, which then went to the bishop, and the bishop was then supposed to send it to Church House, Westminster.

At the point where Stephen Barber composed a sort of overview, only 11 of those reports had been received, and I've looked at those 11 and, I have to say, they're highly variable in their content, ranging from 135 pages, I think, down to a few sentences.

There was also the statistical report which they were supposed to send in.

But I think, apart from -- the only evidence I have seen, really, is two pieces of what the church centrally did with those narrative reports. One was Barber's own piece of work, together with Pearl Luxon, which produced 28 recommendations, but which seemed to get a bit of a glum reaction from the church hierarchy.

The second was the report that came closest to actually being published, in the sense that it was sent to all dioceses in June 2010. But I am afraid I -- we haven't been really terribly clear about why there seemed to be a certain dog-in-the-manger attitude on the part of some dioceses towards submitting their reports or why in fact they weren't chased up more vigorously by the central church, recognising, of course, that at that point the central church was very, very thinly resourced to be able to carry out any sort of overseeing function.

Q. Yes, because I think Ms Luxon shared her time between the Church of England and the Methodist Church and I don't think was full time, in any event -- or certainly was not full time in the Church of England?

A. And at the point where they were considering these reports, I believe she was on the point of retirement and had a period of sabbatical leave.

Q. Do you know what steps, if any, the national church took to monitor the implementation of the recommendations?

In case you need to refresh your memory, you identify that at paragraphs 142 through to 147 of your witness statement, page 34 over to page 35.

A. I think -- and the schedules are, I think, included in the bundle --

Q. Yes, they are.

A. -- there was a certain amount of monitoring of progress, and I draw a distinction between the monitoring of progress and the qualitative nature of the work that was actually being carried out. "Whereabouts are you on submitting your statistical return?", and so on.

Then, after the so-called executive summary of what had happened and the "Lessons Learned" document had been produced, this was sent out to all dioceses in June 2010, together with a questionnaire, which asked about progress, several questions. Some dioceses responded to that with, "Yes, no, done already"; others sent substantial evidence of what they had done.

So there was that monitoring insofar as the information was asked for. What we haven't seen is what the central church actually then did with it. So that was, I think, a serious attempt to try and check up on the progress that dioceses had made.

The second point, which I think I referred to a little later, is, when a decision was taken to conduct or to advise dioceses to conduct a deceased clergy review at the end of 2013, the opening paragraph of the remit asked dioceses to first of all reflect on the adequacy of the past cases review, and it suggested four questions.

Q. This is at paragraph 143, chair and panel. You don't need to go through them, Sir Roger, but just to identify that those four questions are set out there.

A. They were there. I would simply then just make the point that only a small minority of dioceses, when they conducted the deceased clergy review, actually responded to that.

They were often given out to independent reviewers, but the independent reviewers do not appear to have been
asked to actually review the past cases review.

Q. You identify that there was a series of recommendations
which were made -- 28 in total. I think you say that
most of them were actually to do with record keeping and
file management, but also other matters, such as more
robust DBS checks, checking DBS checks, those sorts of
things. By and large, those "Lessons Learned", were
those recommendations subsequently adopted by the
church?

A. I don't think they were in a formal sense. In fact, we
have seen some emails that rather suggested that the
28 recommendations proved to be a little overwhelming to
the then senior staff of the church, and they were given
a sort of status of indicators for upping our game or
raising our game. I think the phrase "decoupling" from
retrospectively look at the 20-odd recommendations, and
But having said that, if you then now
look at what the church has actually done, whether it
did or didn't formally adopt it, most of those things
have actually happened. Not all of them, but most of
them have actually happened.

Q. Which ones haven't happened, do you know, off the top of
your head?

A. I think the recommendations in relation to victims and
survivors have received -- I won't say minimal
attention, but minimal impact and affect, really.
I think that's the one that leaps off the page for me.

Q. You have obviously moderated, so you have -- again, we
have got a lot of detailed evidence about what you have
done. You have regone into these and I think you have
said to some dioceses, or you may be about to say to
some dioceses, "Go back and do them again". Do you
think it would be a worthwhile exercise for the church
to do another past cases review, this time without the
difficulties that you have already identified, or do you
think that moment has passed?

A. Generally, I think that moment has passed. I have
emphasised the shortcomings, but I think, to be fair to
the church, at the time this was a well-motivated
attempt to try and identify the number of people who had
not been previously identified as having been abused.

Yes, there were shortcomings, but the church I don't
think had ever done anything like this before. It took
advice from other organisations which it believed would
be better informed --

Q. Well, I think it consulted with the Catholic Church,
didn't it?

A. It did.

Q. Who had undertaken a similar sort of process?

A. They had, with the NSPCC, with the Lucy Faithfull
Foundation, and so on. So I think this was very
genuinely motivated.

I don't think anyone can diminish the fact that,
whatever the problems about the precise numbers are,
over 40,000 files were looked at, and, you know, it's
a fraction of less than 1 per cent where cases have
subsequently come to light.

Now, the other side, of course, of that coin is,
"But, look, if it only happened to one or two or three
people, that's acute human suffering which hopefully
wouldn't have occurred".

So is there any point in going over the 40,000 files
again? I think, on the basis of proportionality, no.
I think the time and the money that would be spent on
that could be far better redeployed in other ways in the
safeguarding field.

What we will be doing is asking -- and at the moment
it is eight dioceses to repeat an updated and modified
version of the past cases review.

We will be asking -- at the moment it is four
dioceses to do targeted parts of that, and the remainder
are -- you know, we are still coming to a conclusion
about.

But a straightforward, "Pick it up in 2018 what was
said in 2009", no, I don't think that that would be
sensible, proportionate or, frankly, frightfully
productive.

Q. You say that it wouldn't be productive because the
amount of money it would cost would be best spent on
other matters. I'd like to now take you, if I may --
although maybe just before I do so, I should say, you're
currently finalising your piece of work to do with the
past cases review, so we don't have it published. When
and if it is published, we would very much like the
inquiry to have a copy of that final document, and
I believe you have undertaken to provide that to us.

A. We have.

Q. Thank you. Sir Roger, you have a vast amount of
experience in respect of safeguarding. You are also an
active member of your local church. I understand your
wife was or is a parish safeguarding officer. Your
daughter was or is a diocesan safeguarding adviser. So
you've got, firstly, the perspective of a professional
who has worked in child protection practically their
entire life, but, secondly, you are also coming at it
from a quasi-insider perspective, I suppose.

What do you think the most significant issues
currently facing the church of England are in respect of
safeguarding?
A. In respect of safeguarding? I think, without doubt – and it is, I believe, agreed across all perspectives on this matter, is the need to do further work on culture change in the church. Perhaps I could perhaps list my four or five points and then you can tell me whether you wish me to elaborate on any of them.

I think the second biggest thing is really for the church to roll up its metaphorical sleeves and really come to grips with appropriate responses for victims and survivors.

I think the third thing is that I personally would like to see the church doing more in relation to preventing children and vulnerable people being abused. Much of the advice and guidance is about what to do after it’s happened. In fact, I sometimes think we don’t have that in balance. So I would like to see more done on the preventative side.

I think a fourth area is, I think there are still some priests and maybe laity who have a certain interpretation of the notion of forgiveness, and that that continues to be in danger of – when I say “in danger”, I mean forgiving the abuser is more important than responding to the needs of the abused and, I would hope, sorting out this situation about the seal of the confessional.

Finally, I do think the recording quality and standards has to be improved. I think it has improved.

The evidence of the SCIE reviews which are fairly contemporary is that there’s been some improvement. But I think there’s – there are disappointingly adverse comments about the contemporary quality. So I think those are my points.

Q. We are speaking to Ms Carmi who wrote the overview reports, but I think it would not be an unfair criticism to say that, in practically every report for every individual diocese, the quality of the record keeping is adversely commented upon, in terms of – even if not necessarily from the current incumbent of the role, past incumbents of the role, thus not having adequate quality of records if issues were to arise.

Could I ask you, now that you have outlined your five points, firstly, about cultural change. What do you mean by that and what changes need to be made?

A. What I mean by it is bringing about changes in the way the church, as an institution, and individuals within it think, feel and act, particularly towards safeguarding.

I gave a sort of homily to the General Synod about – they gave me five minutes and I chose to speak about culture change.

If the church were a command and control structure, you might be able to say at the top, ”Right, this is what we are going to do”, and everyone will be given instructions to do it. Well, whatever else one may say about the Church of England, it certainly isn’t a command and control structure.

So I think what you have to do is recognise there isn’t going to be one grand initiative that will solve this almost overnight. What I believe needs to happen is that each part of the church, whether it is a parish, whether it is a cathedral, whether it is a theological college, needs to say, ”Where are we now and what changes do we here need to put in place in order to bring a positive and constructive attitude towards safeguarding?”, and then, ”How are we going to do it?”

In my talk to the General Synod, I tried to give just half a dozen practical, down-to-earth examples of how it actually could be done, because I am concerned that if all we do is talk about the need for cultural change, we shall still be doing it in ten years’ time.

We have actually got to break into that.

Q. So what are the practical things? Chair and panel, just for your reference, we do have a copy of Sir Roger’s presentation to synod, which is in your bundle and is also at ACE026165. I don’t think we necessarily need to get it up because I think you might be basically giving instructions to do it. Well, whatever else one may say about the Church of England, it certainly isn’t a command and control structure.

Q. Until we have run forward, I’m sorry, I can’t tell you. Keep going.

Q. ”So what do we mean by culture”?

A. No.

Q. ”A second consistent theme”?

A. No, further on.

Q. ”Practical examples”?

A. Paragraph 8, please.

Q. ”Actions which might contribute towards culture change”.

Thank you, Paul.

A. Here are some of the examples of what each of those parts of the church could actually do in practice. I believe that briefing up the articles of inquiry which the archdeacon conducts annually would be a start. I won’t say it is the alpha and omega, but I think it will be a start, so that, rather than becoming, as I rather suspect it is sometimes, ”Have you got a policy? Have you got a notice up on the church
Porch?", tick, tick, that's the end of it. I mean, an
interrogation into, "Have you had any issues? Have you
had any problems this year? How are they being dealt
with? Have you reported them to the diocesan
safeguarding? Has the parochial church council had the
opportunity to look at the online training?", I think
the asking of the questions communicates to church
wardens and to parish priests that this is important to
the church. So that's the sort of practical thing that
I think can happen.

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

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

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

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

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

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

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

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

A. I think that's right. I would have thought within the
context of training -- safeguarding has now -- ordinand
training, safeguarding has now become such an important
thing that it ought to have a fairly solid place in
that. You know, there are attitudes around that sort of
say, "Oh, we've got much more important things to do".

Well, I think those need challenging where they occur.

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

A. Yes.

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

A. I think the church generally recognises the need for
a better response to victims and survivors, but so often
it is a bit hamstrung as to how to do it. It may not
always appreciate that -- in my experience, people who
come forward to say they're abused may be looking for
very, very different things, and I think there's
a process of trying to work out and to be clear and to
be sensitive with the person about what it is they are
seeking. What do they think -- it may not work, but
what do they think might help and satisfy them, and then
being honest about whether that's possible for the
church to provide it or another organisation.

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

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

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

So, all in all, I think it's a much, much greater
priority and it's a much bigger thrust and let's try and
learn from those parts of the church that appear to have done it well.

Q. You talk about the fact that you don't think at the moment that there is enough emphasis on prevention.
A. Yes.

Q. What in particular are you thinking about there? How do you think the church could strengthen its prevention work, other than potentially being able to spend more time and having more resources to deal with it?
A. I think making sure that sound recruitment practices so that unsuitable people -- the chances of unsuitable people entering work with children via the church is reduced. I mean, I don't think one can ever say it's going to be removed, but that it is reduced.

I think the emphasis which DSAs are rightly giving to the management of known offenders already attending church is right, and I very much want to see that sustained.

But I do sometimes think that at parish level -- I do go on really about the importance of parish level, because it is there where children and young people get hurt and offended against -- then practical help about, well, what are the rules in a church activity about texting children, about using their email address. I'm not saying don't do it, what are the protocols, what are the rules? If there is going to be an overnight church trip, what are the sleeping arrangements, what are the bathing arrangements? Those practical things, are there -- are there, in fact, youngsters who seem to be taken away by some individuals on their own? That sort of general awareness, without frightening people off, but making people, I think, a little bit more streetwise in this sense.

Q. So it is kind of consciousness raising about what may be called by childcare professionals as grooming?
A. Yes, indeed, and also a challenge to the often-heard saying, "Well, of course that might happen there, but it doesn't happen here. It couldn't happen here".

Q. How about using the church as a mechanism by which children can become more aware of their safe engagement with adults?
A. Well, yes, indeed. I think one of the most powerful means of protection is children and young people themselves knowing what good interaction, safe interaction, with adults looks and feels like so that they know what is wrong.

I don't think you need to start from scratch on this. Some of the personal and social and health education programmes that are extensively available in schools have got much to commend them. So it's not a focus on, "Watch out for ..." or "Don't do ..."; it's in fact, "What is good and healthy about engagement with adults?"

Q. You think that the church has a role, because some people within the church would say, "Well, that's what parents should do and that's what schools should do!"
A. Well, I'm thinking perhaps particularly -- yes, and in a sense they may be right, but that doesn't mean to say that we don't have to do it, particularly within the context of the services and the activities and the facilities which we, as a church, are offering.

Q. How about the question of forgiveness? Is there anything more you want to say? You mentioned the words "seal of the confessional". We have had quite a bit of discussion this week and differing views, shall we say, about its appropriateness or otherwise.
Obviously it is not for me to ask whether or not you're of the part of the church which engages within the formal sacrament of confession. However, what's your view about whether or not the seal of the confessional should be broken if there are allegations or if there are revelations about child sexual abuse or any form of child abuse, to be honest with you, within that context?
A. I believe it should be. It is as simple as that.

Q. That's from a very practical perspective?
A. It is from a practical point of view. I mean, I don't come from that tradition myself. I don't know how widespread the formal confession is. But I find the church -- some parts of the church and some individuals in it dancing on the head of a pin when they talk about, "Well, is it formal confessional or is it informal? Do you give absolution or do you not give absolution?"

I don't know what the theological arguments are terribly well, but it seems to me that if a person discloses that they have been abused or that they have been an abuser, then that is not information that should be retained within a box.

Q. You say at paragraph 164 that swift cultural change requires at least the following three elements: strong leadership -- page 38 of your witness statement, Sir Roger -- and in fact this is what you said at synod as well: strong leadership, a positive attitude and the solace of what's in it for you.

Can I ask, do you think from your insider and outsider knowledge, that the church -- that we are beginning to see signs of strong leadership within the church in the context of safeguarding?
A. Yes. I think there are signs, and I would want to be positive, I think, about the lead which diocesan bishops
are giving to this. Almost any safeguarding section of
a diocesan website that you look at actually gives
a very positive affirmation, and that is necessary and
it's good. But -- there's always a "but" -- it's not
sufficient.

As I said earlier, I believe that leadership at
parish level is a critical element, and there's far more
to be done in terms of getting parish clergy, and I may
say so, archdeacons and even some area bishops, on side
in relation to the necessity for the church to address
safeguarding very seriously.

So the leadership is, I think, there. I think the
positiveness is important. After all, it only needs an
incumbent at a parochial church council meeting where
the annual report on safeguarding is being presented to
either cast his eyes up to heaven or to sort of say,
"Oh, well, you know, we only have ten minutes left, but
we'd better fit in this report". Those sorts of
attitudes just won't help emphasise the importance.

So a positive attitude.

And the third point -- well, perhaps -- you know,
emphasising what's in it for you. Actually, it's better
to turn that into a negative, I find, and sort of say,
"Look, if you have to face a serious child protection
issue in your parish, you'd wish you'd taken more notice
of this before". So it's almost sparing yourself a lot
of agony.

MS SCOLDING: I have a couple more questions for you, but
I note the time, chair and panel. I don't know whether
this would be an appropriate moment to have a short
break?

THE CHAIR: Yes, Ms Scolding. We will return at 3.25 pm.

MS SCOLDING: Sir Roger, just to identify, you are under
oath, so please don't discuss the contents of your
evidence with anyone.

A. Thank you.

(3.15 pm)

(A short break)

(3.28 pm)

MS SCOLDING: Sir Roger, just before the break, you were
talking about how useful it would be if the church could
implement some sort of education about appropriate
boundaries and appropriate relationships. Would any
problems be caused by the church's, shall we say,
somewhat conflicted attitude about human sexuality?

Would that cause any problems in terms of implementing
those sorts of programmes?

A. I don't think it should do. There may be some people
who think that it might. But I don't see -- in my view,
there is no conflict between good safeguarding practice
and views on human sexuality.

Q. Thank you very much. One of the things that, for
example, Professor Julie Macfarlane, who gave evidence
earlier in the week, and Anne Lawrence from MACSAS have
given is the need for there to be some kind of external
regulation. Obviously, there are a number of different
models you could adopt. You could adopt maybe the
Ofsted model where it inspects but it doesn't enforce;
you could have an external inspection and enforcement
model -- I suppose the Health and Safety Executive; or
you could have a model where all safeguarding was
conducted, inspected and enforced externally by some
kind of national body or national agency. Do any of
those models have any appeal, or do you think any of
those models are required so that everyone can be clear
that safeguarding is appropriately run and managed
within the church?

A. I mean, there clearly is, at present, quite a bit of
suspicion about the church's capacity to manage
safeguarding entirely, as it does at the present time,
and I think public confidence in the church is an
important factor to take into account.

If I could take that third model that you
identified, where, if I have understood you correctly,
then everything from investigations to training to
support for survivors to settling compensation claims,
and so on --

Q. Yes.

A. I find that difficult to square with a point I made
earlier that I think the most important thing that the
church needs to do to change is to address the issue of
culture. Because I don't see how a completely external
organisation could actually address the issue of
culture. Cultural change, especially if you want
people's hearts and minds, needs to be led on
a day-to-day basis by the people who, you know, are
involved with the church.

So I have a bit of a -- well, more than a bit.

I have a query about that.

I think the other thing that I'm not clear about in
that model that you outlined would be, what would be the
status of the outcomes from the independent church?

I mean, I can see that quite clearly for example in
relation to compensation claims, but in relation to
things like training and support for survivors, would
they be mandated on bishops and diocesan boards of
finance? Would they be advisory? I think those are the
sorts of questions that need to be thought through
before one goes for that model.

Now, I have to say, I re-read last evening what I'd
said in — particularly the final sentence of paragraph 168 where I said:

"However, I do not believe there's a sustainable argument for removing advice, guidance, training, risk assessment and accountability from dioceses."

I think probably I would have been wise to have reworded that to say something — you know, "I haven't yet been persuaded that there's a sustainable argument". I have read what the Australian Commission have said, and there seem to be some sound points there. But to try and answer your question head-on, I think there is a wholly justifiable case for serious issues, allegations against people and complaints being investigated externally to the church. I think that would give greater public confidence.

Q. So having a sort of almost like a sort of ombudsman-type service?

A. Possibly that sort of model.

In relation to what you might call the lower level concerns, then there might be an arrangement whereby perhaps a diocese itself did investigate that via the DSA, but under some sort of monitoring or supervision by an independent body. I think that is how — it used to be called the IPCC, the Police Complaints Commission, they operate some of their less serious complaints.

Q. I think it depends upon what level and the nature of the complaint as to whether or not it is investigated in-house or investigated externally by the IPCC?

A. 1 believe so, yes.

Q. How about monitoring of the functions within the diocese? Do you think there should be some kind of external regulatory body which sets standards and which goes in and inspects? Rather like — I mean, I think about the education sector, which is the sector I know from my other professional life. They go in, but they don't just — they say, "This is what you're meant to achieve", and then they inspect against it. So they both construct the standards and inspect them?

A. I think I'd want to hear the argument between an agency that inspected standards and an agency that set and inspected standards, because I believe that standards are more likely to be met if, in fact, they're developed by people who have got to meet them rather than by having them imposed externally. So I think it is a pros and cons. I don't think it is difficult for the church to actually set the standards by which it wishes to be judged and assessed. I don't think that in a sense compromises independence in any way unless they were proposing a standard which was woefully below what would generally be regarded as sensible and good practice.
quite helpful all round.

Q. What do you think about the Clergy Discipline Measure?

A. Well, that's already in. The 2016 amendment requires somebody to undertake a risk assessment.

A. Yes.

Q. Obviously, if they don't undertake a risk assessment, that, in and of itself, would be a disciplinary matter.

A. Right.

Q. Really, this comes from the evidence that Colin Perkins gave about the Clergy Discipline Measure against Bishop Wallace Benn and Bishop Nicholas Reade. He said they instituted the Clergy Discipline Measure because that was the only thing that they could do, but they did it for two reasons: one was because they felt there had been a breach of various of the canons; but, secondly, and what Colin Perkins was clear about, much more importantly in his view, was the fact that he considered and the rest of the Diocesan Safeguarding Advisory Group considered, that Bishop Wallace didn't have the capacity to change and therefore was a risk?

A. Oh, right, yes.

Q. Which, in and of itself, wouldn't necessarily be a disciplinary offence?

A. No.

Q. In a way, there seems to be a bit of a lacuna in what the church can do. In other workplace settings, there are things which could be done. You know, somebody to undertake a risk assessment.

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Q. Do you have any particular views about it? I know you amended. Some of the witnesses who have given evidence to us have said, well, the difficulty is, it's just a disciplinary measure, it doesn't deal with risk assessment. So you may have a situation where it wouldn't be appropriate or necessary to implement disciplinary proceedings, but, on a risk assessment basis, it's not right that that individual continues in whatever role it is. But Clergy Discipline Measure, firstly, doesn't deal with that and, secondly, doesn't deal with the laity, really, it is only if you are ordained --

A. Yes.

Q. -- or a licensed lay reader, or something like that, if you have some sort of position.

What do you think about constructing a new form of sort of safeguarding management based upon risk which would not be disciplinary but would be more based upon harm prevention?

A. I mean, could I clarify, are you thinking that an option might be then that a member of the clergy could be required to undergo a risk assessment --

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Q. Obviously, if they don't undertake a risk assessment, they have done is not good practice but not a disciplinary offence, you are kind of stuck with it, aren't you?

A. I'm afraid I'm asking you the question because I know little about the CDM and, having listened to the evidence of the distinguished previous witness, I didn't think I really wanted to know very much more about it.

But as far as the -- are you actually saying, then, that we need a mechanism whereby a risk assessment can be mandated, say, by the diocesan bishop --

Q. Yes.

A. -- where they feel that for some reason the Clergy Discipline Measure is not --

Q. Yes.

A. I would have thought that that was -- again, knowing very little about it, but I would have thought that that was a reasonably sensible tool to have in the armoury, as it were, of options for dealing with people about whose behaviour you are concerned.

MS SCOLDING: I don't think I have any further questions.

I now pass over to the chair and panel. Thank you very much, Sir Roger.

THE CHAIR: No, we have no questions. Thank you very much,

Sir Roger.

A. Thank you.

(The witness withdrew)

MS SCOLDING: Chair and panel, we don't have enough time to do any substantive reading, but there is a two-paragraph witness statement from Lord Carey. I pass over to Mr Tahzib, who is going to read it for you.

Statement of LORD CAREY of CLIFTON (read)

MR TAHZIB: Thank you, yes. Chair and panel, we are now going to hear the evidence of Lord Carey of Clifton. This statement is going to be read in full. It can be found behind tab I of your read witness bundle. The Relativity reference is WWS000137.

Chair, we do ask that the full statement be placed upon the website. I turn now to the statement itself, which is endorsed at its conclusion with a statement of truth.

It reads:

"I, Lord Carey of Clifton, will say as follows:

"I have been asked by the inquiry to provide them with a witness statement relating primarily to my involvement in events at the time of and following Peter Ball's arrest in December 1992, when I was Archbishop of Canterbury. For a variety of reasons, it has not yet been possible for me to complete my witness
statement on all of these topics, but I do understand that the inquiry and other core participants and witnesses need to know if I am able to give any evidence as to difficulties within the Diocese of Chichester relating to safeguarding and responding to child sexual abuse.

"I retired as Archbishop of Canterbury in 2002. I became Archbishop of Canterbury in 1991, at which time there was no safeguarding or child protection training available to clergy in the Church of England. I have no present recollection of being made aware of difficulties in the Diocese of Chichester relating to safeguarding and responding to child sexual abuse while I was Archbishop of Canterbury. It is, of course, quite possible that the occasional piece of correspondence may have gone to Lambeth Palace on this subject. I had staff at Lambeth Palace to assist me with correspondence, so if there were such matters, they may or may not have reached me personally. If they did, I cannot recall them. After several days of looking at the Egress documents with which I have been provided by the inquiry, in preparation for writing my witness statement, I have seen no documents which suggest that anyone complained to me about such matters during this period, 1991 to 2002."

Chair, just before we conclude for today, it may be helpful just to briefly set out the timetable for Monday. We will begin by hearing from two individuals who we refer to as AN-A8, followed by AN-A7. After that, we will hear from Bishop David Walker, followed by Graham Tilby.

Chair, may we be permitted to adjourn now and recommence at 10.30 am on Monday?

THE CHAIR: Thank you very much. Yes, we will do that. MR TAHZIB: Thank you.

(3.45 pm)

(The hearing was adjourned until Monday, 19 March 2018 at 10.30 am)

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