

1 Thursday, 26 July 2018
 2 (10.00 am)
 3 (Proceedings delayed)
 4 (10.08 am)
 5 THE CHAIR: Good morning, everyone, and welcome to Day 4 of
 6 the Peter Ball case study.
 7 Ms Scolding, I believe you have one or two matters
 8 to raise before we begin?
 9 MS SCOLDING: Yes. In fact, I think the problem has just
 10 been resolved. There was a problem with being able to
 11 see the transcription on the larger screens, although
 12 there was no problem with anybody at counsel's benches
 13 seeing the transcription, so this problem appears to
 14 have been resolved, for which I say thank you to the
 15 transcription services. Thank you, we can commence.
 16 We are going to hear the witness evidence of
 17 Mr Gregor McGill.
 18 MR GREGOR ANTHONY MCGILL (sworn)
 19 Examination by MS SCOLDING
 20 MS SCOLDING: Good morning, Mr McGill. Please could you
 21 give the panel your full name and your role within the
 22 Crown Prosecution Service?
 23 **A. My full name is Gregor Anthony McGill and I'm currently**
 24 **director of legal services at the Crown Prosecution**
 25 **Service.**

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1 Q. Mr McGill, you have provided a witness statement to the
 2 inquiry at CPS003477. It is behind tab 1 of the bundle
 3 you should have in front of you. Just to be clear, you
 4 should have a bundle in front of you with your witness
 5 statement and documents, but there will also be material
 6 which will come up on the screen on your right.
 7 Could you please go to that witness statement and go
 8 to the last page, please. It is page 42. It should be
 9 behind tab 1. I have got it as A/1 of my bundle, so
 10 hopefully it should be the same as yours.
 11 **A. I've got it, yes.**
 12 Q. Obviously your signature has in fact been blocked out,
 13 but have you had an opportunity to read this witness
 14 statement recently?
 15 **A. I have.**
 16 Q. Is it true, to the best of your knowledge and belief?
 17 **A. It is.**
 18 Q. The full statement will be uploaded on the website, so
 19 I'm not going to take you through it line by line. Can
 20 I, however, confirm that you were not personally
 21 involved in either the 1992 to 1993 prosecutorial
 22 decisions or investigation or the 2008 investigation or
 23 the 2012-2014 prosecution, but that on behalf of the CPS
 24 you have provided a statement addressing the questions
 25 that the inquiry has about those three investigations?

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1 **A. That is correct.**
 2 Q. In preparation, you identify that you have spoken to
 3 a number of people who were directly involved, and you
 4 have also reviewed the witness statement of Simon Drew,
 5 who was one of the lawyers involved in
 6 Operation Dunhill, and you have also reviewed various
 7 documents in order to help answer questions that we have
 8 about the role of the CPS and the decision making
 9 process of them; is that right?
 10 **A. Yes. Just to confirm, I haven't spoken to people**
 11 **directly. I have asked others to do that on my behalf.**
 12 Q. Right.
 13 **A. But everything else you have said is correct. I have**
 14 **reviewed material in evidence.**
 15 MS SCOLDING: Just before we start the questions, Mr McGill,
 16 I identify that it appears that some of the screens on
 17 the counsel bench aren't transcribing. Is everyone
 18 happy to continue or would you like to take a break
 19 while we fix this problem?
 20 I understand Pauline, one of the transcribers, can
 21 go around and fix this problem while we are going, so it
 22 should only be temporary. If anyone has any problems
 23 and wishes to stop, could they let me know now by
 24 raising their hand? We will carry on, then.
 25 You have set out in some detail in your witness

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1 statement the role and structure of the CPS, as I will
 2 call it. So we don't need to go through all of that
 3 detail. But just for the purposes of the record, the
 4 police and other law enforcement agencies investigate
 5 crime and the CPS prosecute them. Now, that's the
 6 position as it was.
 7 Now, in 1992, the police would have been responsible
 8 for charging, but since 2004, the CPS has been
 9 responsible for making all charging decisions; is that
 10 right?
 11 **A. Not all charging decisions. We make charging decisions**
 12 **in the more serious cases. In the more straightforward**
 13 **cases, the police have the power to charge --**
 14 **essentially summary-only matters and some very minor**
 15 **either-way matters.**
 16 Q. But that wouldn't be the case for any of the offences
 17 which we are talking about now, which we are going to be
 18 talking about?
 19 **A. No.**
 20 Q. So the CPS is responsible, in effect, for advising on
 21 cases for possible prosecution; is that right?
 22 **A. Yes.**
 23 Q. Reviewing cases submitted by the police to you to
 24 determine whether or not there are reasonable grounds
 25 for prosecution?

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1 **A. A realistic prospect of conviction, yes.**
 2 Q. Determining charges in all except minor cases?
 3 **A. Yes.**
 4 Q. Preparing cases for court and presenting the cases
 5 ultimately in court; is that right?
 6 **A. That's right, yes.**
 7 Q. Can we turn to the 1992/1993 investigation into
 8 Bishop Peter Ball. Initially, this was dealt with by
 9 the CPS in Gloucester; that's right, isn't it?
 10 **A. It is, yes.**
 11 Q. As I understand it, if I could take you to the
 12 chronology which you set out at page 19 of your witness
 13 statement -- Danny, do you mind if we get that up?
 14 CPS003477_019, over to page 20. Danny, would you mind
 15 putting both pages up? This is the chronology of what
 16 happened in 1992/1993, in terms of the interaction
 17 between the police and prosecutorial authorities?
 18 **A. Yes, I have it.**
 19 Q. Can I ask firstly, by 14 January, it says -- it is the
 20 third box down:
 21 "This memo (see entry below) explains that on this
 22 date the CCP of Gloucester ..."
 23 What's the CCP?
 24 **A. Chief Crown Prosecutor.**
 25 Q. Is that the top prosecutor within the Gloucester area?

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1 **A. Yes.**
 2 Q. "... RA Prickett spoke to the DPP's ..."
 3 For the avoidance of doubt, who is the DPP?
 4 **A. Director of Public Prosecutions.**
 5 Q. At that time, that was Dame Barbara Mills QC?
 6 **A. It was.**
 7 Q. "... T Glackin."
 8 So the DPP's private secretary had been spoken to:
 9 "The content of the memo suggests that the telephone
 10 conversation was a query about the 'present position' of
 11 the police investigation."
 12 So why would the DPP's office itself have been
 13 involved in this sort of case, rather than it just
 14 remaining with the CPS in Gloucester?
 15 **A. Well, I think for two reasons. One, because it was**
 16 **a serious matter involving a high-profile individual,**
 17 **there would be a question about ensuring that there was**
 18 **proper independence so that no-one could say that anyone**
 19 **in the local area was overly influenced by a person of**
 20 **prominence in the local community. So it would be to**
 21 **demonstrate that independence.**
 22 **Secondly, because it involved an allegation**
 23 **involving a bishop of the Church of England, it's**
 24 **a high-profile matter about which the DPP would want to**
 25 **be aware.**

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1 Q. So it was simply because of his role as a bishop rather
 2 than because he was a bishop who had important and
 3 influential friends, as we subsequently found out he did
 4 have?
 5 **A. Yes.**
 6 Q. How often would the DPP or her office have become
 7 directly involved in cases involving high-profile
 8 individuals at this time? I don't need to know a rough
 9 figure, but just how common would this have been?
 10 **A. It would be on a case-by-case basis. Basically,**
 11 **directors of public prosecutions generally don't like to**
 12 **be unsighted about high-profile public prosecutions that**
 13 **may be about to be commenced, or being commenced, in**
 14 **areas because they can be asked questions about such**
 15 **things. So they like to be kept informed about those**
 16 **things. Although they very rarely make the decisions,**
 17 **they like to be kept consulted and aware so that they're**
 18 **aware of what's happening.**
 19 Q. Danny, would you mind getting up ANG000017_040-41. It
 20 is behind tab 21, chair and panel. This is a letter
 21 from Tim Renton MP. How usual is it to receive letters
 22 directly from individuals of whatever nature about
 23 ongoing investigations or ongoing prosecutions?
 24 **A. It is quite common.**
 25 Q. If it were to be just a member of the public, what would

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1 be the process for responding to them? If, for example,
 2 I were to write to the DPP about a particular
 3 investigation, how would that be responded to? In my
 4 personal capacity?
 5 **A. In your personal capacity, it is difficult to say in all**
 6 **cases, but generally it would be sent to the area that**
 7 **was dealing with the case that was under consideration.**
 8 **So you would probably get a reply from the Chief Crown**
 9 **Prosecutor, or a Deputy Chief Crown Prosecutor if the**
 10 **chief wasn't available, in the area in which the**
 11 **prosecution was taking place.**
 12 Q. In this instance, the letter was written from a member
 13 of parliament on headed House of Commons notepaper.
 14 What would be the procedure for responding to an MP?
 15 Would that be different to the process responding to me
 16 acting in my personal capacity?
 17 **A. It depends. For an MP, what generally would happen is**
 18 **that the director's private office would commission**
 19 **a background note and ask for a draft reply to be**
 20 **prepared to be sent to the MP. That would generally be**
 21 **prepared by the area in which the case was being**
 22 **prosecuted in.**
 23 Q. In fact, we can see that in this case. Danny, would you
 24 mind getting up page 39. That's the previous page to
 25 these two. This is the background note which provides

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1 some information. Then 37/38 is the draft reply.
 2 Mr Prickett obviously writes this:
 3 "Thank you for your letter. I appreciate all the
 4 points. The Gloucestershire Police are presently
 5 investigating the various allegations. It is expected
 6 that the police will send a file to the CPS ... I cannot
 7 comment. The code for Crown Prosecutors ..."
 8 Then it sets out the relevant code as it existed at
 9 that time. Then 036, that is Prickett from the
 10 Gloucestershire Wiltshire Police writes to Fry in
 11 Gloucester to ask for an update, in effect?
 12 **A. Yes.**
 13 Q. The letter itself, chair and panel, so the actual letter
 14 sent by the Director of Public Prosecutions, is at
 15 tab 10, CPS000790 at page 573. That is really as in
 16 draft form.
 17 Now, as we know from what Lady Alice Renton has told
 18 us, Lord Renton being unable to provide us with
 19 a witness statement, in fact he wasn't writing on behalf
 20 of the constituent, he wasn't writing about a matter of
 21 police, he was in fact writing about a friend. Would
 22 that have made a difference to the fact that -- to the
 23 process that's gone through, in respect of an MP?
 24 **A. Not really, because it was written on House of Commons**
 25 **notepaper, so it would be dealt with as an official**

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1 **piece of correspondence. It would have to be.**
 2 Q. Of course, one of the risks of that is that, therefore,
 3 it creates the risk that an MP has more power or
 4 influence a DPP purely because of their status, even if
 5 they aren't acting in an official capacity?
 6 **A. I suppose the allegation can be made that that is the**
 7 **case, although there's no suggestion of that in this**
 8 **case. It was dealt with as any other piece of**
 9 **correspondence would have been dealt with.**
 10 Q. Did the CPS receive any other letter in support of
 11 Peter Ball that you are aware of?
 12 **A. I think that there were a few letters. I think we got**
 13 **a letter from Lord Carey as well.**
 14 Q. Is there any evidence within the material that you have
 15 seen that these letters were considered by those making
 16 the decision to caution or influenced the decision that
 17 was ultimately made by the Crown Prosecution Service?
 18 **A. There is nothing to suggest in anything that I have seen**
 19 **that they have had any influence at all, no.**
 20 Q. So the police finish their investigation, and we heard
 21 quite extensive evidence from DI Murdock yesterday.
 22 They pass a 306-page report and file to the CPS on
 23 9 February 1993. From both your review of the paperwork
 24 and your experience, because you have been a Crown
 25 Prosecutor, I believe, since 1991?

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1 **A. Indeed.**
 2 Q. What's your view about the quality of the report that
 3 was sent to the CPS?
 4 **A. I think it was a very high-quality report and a very**
 5 **good investigation carried out by clearly very dedicated**
 6 **and very able police officers.**
 7 Q. You have already identified why the file was passed from
 8 Gloucester to the CPS. Was it simply because of
 9 the high-profile nature of it or was it because the
 10 DPP's private office had already had to become involved
 11 in answering questions from MPs and the like? Can you
 12 divine that?
 13 **A. It is difficult to tell. I would think it's probably**
 14 **more to do with the high-profile nature of**
 15 **the allegation. Of course, if the DPP's office were**
 16 **already aware of the matter because they dealt with**
 17 **correspondence, it's more likely that they would have**
 18 **proactively asked to have been kept involved.**
 19 Q. So, obviously, this investigation is already different
 20 or significantly more high profile than the majority of
 21 investigations for gross indecency that would have been
 22 going on at the time?
 23 **A. It's not different. It's more high profile.**
 24 Q. Although I know that at the time, and in fact now, if
 25 somebody is charged with an offence of gross indecency,

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1 which I know it doesn't exist anymore, but one can still
 2 be charged for -- if it was an offence at the time in
 3 question, the DPP has to give their consent to that
 4 prosecution happening. Did that happen by the Director
 5 of Public Prosecutions herself or himself making those
 6 decisions or would that be something that would, in
 7 effect, be delegated with maybe a sign-off saying "yes"
 8 or "no" from the DPP?
 9 **A. DPP's consent can be delegated to any Crown Prosecutor.**
 10 Q. We heard yesterday from Mr Murdock about what the
 11 police's recommendations were or the possible charges.
 12 He was very careful to say it was the CPS that made the
 13 ultimate decision as to charging in this case.
 14 **A. Yes.**
 15 Q. "But this was what I thought". He identified that there
 16 was a prima facie case for gross indecency in respect of
 17 two charges in respect of Neil Todd; there was
 18 a prima facie case of a section 18 Offences against the
 19 Person Act offence for a person we will call AN98; and
 20 an offence under section 47, so an ABH offence, in
 21 respect of AN-A117. But overall, he said, you may wish
 22 to proceed only with the gross indecency as against
 23 Neil Todd and use AN98 and AN117 as corroborative
 24 evidence, so as witnesses rather than as complainants in
 25 and of himself.

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| <p>1 He also said, and he said this again yesterday, that 2 he believed that if Peter Ball was charged, that he 3 would plead guilty to the gross indecency. He had said, 4 and representations were made, that he would fight it 5 all the way to trial, but the police's assessment was 6 that he would likely as not plead guilty. 7 He also identified quite clearly within that 8 documentation that we looked at yesterday whether or not 9 in fact Peter Ball qualified for being able to obtain 10 a caution, because, of course, at that time, as he said 11 yesterday, in fact no admissions had been made in 12 interview. 13 On the same day -- it is behind tab 12, chair and 14 panel. CPS000792 at page 183? 15 A. Can I just make one comment? 16 Q. Yes, of course. 17 A. I appreciate that police officers may assume that people 18 would plead guilty. Experience has taught me that 19 police officers can sometimes be a little overoptimistic 20 about whether defendants -- suspects will plead guilty 21 ultimately, and prosecutors tend to take that 22 representation from police officers with a pinch of salt 23 because it doesn't always work out that way. 24 Q. So the police will more often than not say, "I'm sure he 25 will plead guilty" and your experience has shown that</p> <p style="text-align: center;">Page 13</p> | <p>1 the bottom of the page it says under "Attitude towards 2 the alleged offence": 3 "We understand that the Bishop of Chichester ... has 4 made a statement which shows Bishop Peter's 5 attitude ..." 6 In effect, it says he's following the order of 7 St Francis of Assisi, he needed help to come to terms 8 with this, he needed to be shown that, despite this, he 9 could still enjoy the bodily contact. Secondly, the 10 bishop has accepted that he has been very foolish. 11 Thirdly, he has put himself under the discipline of 12 the church. 13 Danny, could we go to the top of the next page: 14 "He has already paid a far heavier penalty than most 15 people would have to suffer for this type of ... 16 offence." 17 Can we go down, it says "Other factors", and he then 18 says that, in particular, there have been "1,284 19 letters" -- that's in the first paragraph -- "of 20 support", and that that should be considered and the 21 impact of the prosecution on the Church of England. 22 Can I just identify here, is the fact that lots of 23 people have written in support of 24 the Bishop of Gloucester and it would cause problems for 25 the Church of England, are either of those relevant</p> <p style="text-align: center;">Page 15</p> |
| <p>1 more often than not they might not be right? 2 A. It is not always the case. 3 Q. This letter is from Madge, Lloyd and Gibson, who were 4 Peter Ball's defence solicitors, sent to Mr Rhoda. Now, 5 can I just double check, you say in your witness 6 statement Mr Rhoda worked at the central CPS office; 7 that's right, isn't it? 8 A. That's right. 9 Q. If I can just read out -- Danny, can you take us and 10 highlight up, "We understand": 11 "We understand from the police that allegations 12 other than those made by Neil Todd will not be charged 13 in any event. We have in mind the statements of AN98 14 and AN-A117." 15 That is slightly presumptuous, isn't it, because 16 obviously -- this is written on 9 February, which is the 17 same day the police investigation file was driven up by 18 DI Murdock. So that's a slightly presumptuous 19 statement, isn't it, because obviously it is up to the 20 CPS to determine what is going to be charged and what 21 isn't; isn't that right? 22 A. Indeed, the first sentence, "We understand from the 23 police". Of course that might be what the police think, 24 ultimately it is a decision for the CPS. 25 Q. Could we go to the next page, page 2, please, Danny. At</p> <p style="text-align: center;">Page 14</p> | <p>1 features to deciding whether to prosecute or not? 2 A. Well, the fact that the person has no previous 3 convictions is a factor that you would take into 4 consideration, but you would look at the circumstances 5 of the offence and see what weight you would give to 6 that. The fact that 1,284 people have written letters 7 in support is, in my view, interesting but irrelevant to 8 the actual decision that you would ultimately have to 9 make. 10 Q. Can I take you back to the previous factors, which is 11 the attitude towards the alleged offence. Danny, can we 12 get that back up, if possible? Arguably, this doesn't 13 show an admission at all, does it, because what it is 14 saying is that he was doing this for spiritual purposes, 15 and it is not an admission that he committed a criminal 16 offence in any way. 17 What it is really trying to say is, he's put himself 18 under the discipline of the church and he's given up his 19 home and his job and that really should be punishment 20 enough? 21 A. Yes, it is a standard -- sorry, that's unfair. It is 22 a typical sort of letter that we get from defence 23 solicitors when we are considering making a charging 24 decision, along the lines of, "Please don't charge my 25 client because ...", et cetera. It is a typical letter.</p> <p style="text-align: center;">Page 16</p> |

1 Q. Can I just identify, it is quite common to have received
 2 these letters at the time and to continue to receive
 3 these sorts of letters?
 4 **A. We don't often get letters like this. But, yes, we do**
 5 **get letters from defence solicitors making**
 6 **representations on behalf of our client, and it is quite**
 7 **proper for them to do that.**
 8 Q. When you say "we don't often get letters like this",
 9 what is the unusual feature about this letter in
 10 comparison to most letters making representations from
 11 criminal defence solicitors?
 12 **A. Well, they have an awful lot of information. As you**
 13 **say, they are making presumptions about what the CPS**
 14 **should or shouldn't do. They are putting information in**
 15 **there that is interesting, but I'm not sure would help**
 16 **a Crown Prosecutor make a decision.**
 17 Q. So it is not necessarily written by an individual who
 18 has a great deal of experience as to the sort of thing
 19 that crown prosecutors would be looking at?
 20 **A. I suspect this was written by someone who is not**
 21 **a criminal practitioner.**
 22 Q. In fact, he wasn't a criminal practitioner. He was the
 23 diocesan registrar.
 24 **A. Yes.**
 25 Q. Then if we go to the bottom, Danny, of the third page,

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1 that's _185:
 2 "Nevertheless, we feel that had our client been an
 3 ordinary member of the public, the probability is that
 4 a caution would have been administered before now."
 5 Is that a correct assumption?
 6 **A. In my opinion, no.**
 7 Q. Then on page 186, at the top of the page:
 8 "If you're concerned about the media reaction to
 9 a caution, we invite you to read the enclosed cutting
 10 from the Daily Mail ..."
 11 Should the CPS consider potential media reaction?
 12 **A. No. If you are a prosecutor, you have to make**
 13 **decisions. Those decisions can sometimes be unpopular.**
 14 **You follow the evidence, you follow the law, you follow**
 15 **the code for crown prosecutors, and if that leads you to**
 16 **a decision that's unpopular, that's the decision that**
 17 **you make, and you make that free of any worries about**
 18 **any media reaction to that decision.**
 19 Q. I'm assuming -- I mean, it is quite frequently the case
 20 that the media will comment, and would have commented
 21 both at that time and this, upon decisions either to
 22 prosecute, not to prosecute or the nature of
 23 the prosecution?
 24 **A. Very common, yes.**
 25 Q. It is not necessarily unusual that there would have been

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1 adverse media comment or positive media comment?
 2 **A. Not at all, and it is something that prosecutors are**
 3 **aware of, but tend to put to the side because it's just**
 4 **something that you have to be aware of, but it can't**
 5 **influence your decision making.**
 6 Q. Danny, would you mind getting up CPS000792_348 behind
 7 tab 12. It is about two or three pages back from the
 8 document that I have just showed you.
 9 This is a memorandum from Mr Prickett of
 10 Gloucestershire to Mr Rhoda. Can I take you to 4 and 5.
 11 It says:
 12 "I have just returned from my office to find out
 13 that the police have submitted the file."
 14 That's said above:
 15 "I understand for some reason your name has been
 16 given to the solicitors for the bishop and they have
 17 written direct from this. This is irregular and I do
 18 apologise. DI Murdock telephoned me and had a long
 19 telephone conversation and there has been an agreement
 20 that the bishop's bail will be extended."
 21 At 4:
 22 "DI Murdock believes that it would be useful for
 23 there to be a conference to discuss the case and I said
 24 I would mention this to you. He has strong views on the
 25 case and is particularly concerned lest there be

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1 suggestions of some 'coverup' by the church.
 2 "I suspect that, whatever happens, as the bishop's
 3 credibility has been so dented, he will have no option
 4 but to resign. If he does so and is posted elsewhere,
 5 then upon a clear admission of guilt a formal caution
 6 may be appropriate."
 7 Then it says:
 8 "Please don't hesitate to contact me."
 9 Why at that time would the bishop's resignation be
 10 a relevant consideration?
 11 **A. The honest answer to that is, I don't know, because**
 12 **I don't know the circumstances in which it came up.**
 13 **When making a charging decision, a prosecutor has to ask**
 14 **themselves whether they have got sufficient evidence to**
 15 **provide a realistic prospect of conviction to satisfy**
 16 **the first stage of the Full Code Test. If they then**
 17 **decide that they have, they then have to consider**
 18 **whether it's in the public interest to prosecute.**
 19 **The fact that someone may lose their job would be**
 20 **a factor that it would be proper to take into**
 21 **consideration. You'd have to consider the weight of**
 22 **that matter, but it is something that a Crown Prosecutor**
 23 **could take into consideration in deciding whether the**
 24 **public interest required a prosecution.**
 25 Q. Can I now take you to a memo dated three days later,

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| <p>1 again from Mr Prickett to Mr Rhoda. Danny, could we get 2 this up, CPS000792_0349. This is a memorandum again 3 saying: 4 "I have had several telephone calls from the 5 solicitors who represent the bishop ... 6 "They have repeatedly told me that the bishop has 7 signed a deed in escrow resigning from his post as 8 diocesan bishop and they have irrevocable instructions 9 in writing that, if he is cautioned, the deed is to be 10 put into effect. 11 "I said that I would pass this information on to you 12 and that they would be told of the decision in the case 13 in due course." 14 And that a conference has now been arranged for 15 26 February. Is it unusual to have defence solicitors 16 approaching you in this way, kind of saying, "Right, we 17 have got it, we have got the resignation, he's signed on 18 the dotted line, can you now administer a caution?" 19 A. Again, it's difficult. I have never seen it before. 20 That's all I can say. This is something I haven't seen 21 before. 22 Q. Was the CPS at that time permitted to caution someone on 23 the basis that they would resign? 24 A. Well, of course a caution is administered by the police. 25 Q. Yes.</p> <p style="text-align: center;">Page 21</p> | <p>1 "Thank you for your letter of 9 February ... the 2 file is being forwarded ... it is being actively 3 considered. 4 "It is right that I correct a misunderstanding ... 5 namely, that only allegations relating to Neil Todd are 6 likely to form the subject matter of charges. The 7 purpose of the referral of papers to headquarters is for 8 a decision to be made as to what charges, if any, are to 9 be pursued against your client. To that end, we will be 10 considering all the evidence in the case and not only 11 the evidence relating to Neil Todd." 12 That's really the point that you and I were 13 discussing earlier, which is, it wasn't really for the 14 police to say what would be charged and what wouldn't be 15 charged? 16 A. It is clear from this that I think Mr Rhoda was slightly 17 irritated by the previous letter. I think it's 18 important to note as well, it is important for 19 a prosecutor to ensure that there is no misunderstanding 20 about the basis on which the prosecutor is approaching 21 the case. 22 Q. I want to move now to the Crown Prosecution Service's 23 consideration of the potential charges. I am going to 24 start with AN98. His allegation -- can we bring up, 25 Danny, please, CPS001072 at pages 6 and 7. It is behind</p> <p style="text-align: center;">Page 23</p> |
| <p>1 A. We would advise the police as to whether a caution was 2 appropriate if the police sought that advice from us. 3 Q. Yes. 4 A. I have thought about this quite a lot, and I do think 5 that, given the background of the case, if you're 6 considering asking someone to resign as a result of 7 the caution and the conduct, you would have to ask 8 yourself in those circumstances, I think, whether 9 a caution was appropriate. 10 Q. Because resignation is such a serious impact. One of 11 the things you have to think about is the impact on 12 people, and that would be such a serious step that 13 demonstrates in a way the seriousness of the offending? 14 A. Yes, precisely so. This is a bishop in the 15 Church of England. So it's clearly a significant step, 16 and it's -- by its very nature, it is serious. 17 Q. Danny, could you get up CPS000792? This is the letter 18 which was written back by Mr Rhoda following the 19 pestering -- not "pestering", following the telephone 20 calls, the number of telephone calls, that had been made 21 by Madge Lloyd & Gibson. 22 A. Yes. 23 Q. CPS000792, page 188. Chair and panel, again, behind 24 tab 12. It is about three or four pages before the 25 document I have just taken you to:</p> <p style="text-align: center;">Page 22</p> | <p>1 tab 24 of your bundle. 2 They are even more faded on screen than we have 3 them. These are fairly faded. These are unsigned and 4 undated notes from the 1993 prosecution file. Has 5 anybody been able to work out who it was that would have 6 been writing this? 7 A. No. It is one of the lawyers involved in the case. 8 Q. It is one of the lawyers involved in the case. I think 9 if we look down, it says: 10 "G/I." 11 It requires the cooperation of two men acting in 12 concert directed against another one, and it cannot 13 amount to an offence. That's really saying what gross 14 indecency is. 15 A. Yes. 16 Q. "Aged 20 ... page 55 he consented". Then it says "Time 17 barred". In respect of AN98 and AN117, there were 18 problems with making any prosecution in respect of gross 19 indecency because of the time bar. Could you just tell 20 us a little bit about that? 21 A. Yeah, the offence gross indecency required the 22 prosecution to be brought within 12 months of 23 the offence being committed. That was a statutory 24 requirement and, if you didn't meet that, you couldn't 25 prosecute the case. It was an absolute bar.</p> <p style="text-align: center;">Page 24</p> |

1 Q. It wasn't a sort of flexible bar --
 2 **A. No.**
 3 Q. -- so that time could be extended if it was in the
 4 public interest to do so?
 5 **A. Once you're time barred, you're time barred.**
 6 Q. Okay. Secondly, under (2) there, which I know it is
 7 quite difficult for the public probably to see, it says:
 8 "No indecent assault -- consented."
 9 Can I ask you about that? What was the difficulty
 10 with trying to charge an assault as being an indecent
 11 assault in respect of AN98 and AN117?
 12 **A. Well, an element of the offence for indecent assault is**
 13 **that it has to have occurred without the consent of**
 14 **the individual. If there is an allegation that the**
 15 **complainant consented, that would be a defence to**
 16 **a charge of indecent assault.**
 17 Q. Consent in this case is quite difficult, because we have
 18 heard A117 give evidence, and we have also read the
 19 allegations that AN-A98 made. They were both that they
 20 did say yes or, rather, they didn't say no, but they
 21 said yes because they felt it was part and parcel of
 22 their spiritual training, not because they wanted to
 23 engage in sexual activity. Wouldn't that have vitiated
 24 consent -- sorry, "vitiating" means -- wouldn't that mean
 25 they can't have consented?

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1 **A. It is quite a tricky legal area, this, because, yes, we**
 2 **could have run a case along those lines, but that would**
 3 **have been an argument that would have been made at the**
 4 **Crown Court by those representing Mr Ball, and there is**
 5 **absolutely no guarantee that we would have been**
 6 **successful in that argument. The law at the time on**
 7 **consent, on vitiated consent, basically said that you**
 8 **had to be tricked as to the identity of the person or**
 9 **the nature of the act.**
 10 Q. So if you thought you were performing a sexual act on
 11 your husband and it turned out to be somebody you didn't
 12 know, that kind of thing?
 13 **A. Yes, classically it was performing a sexual act with**
 14 **someone you thought was a male and it turned out to be**
 15 **a female, or vice versa. That would be something that**
 16 **might vitiate consent. Or if you were tricked into the**
 17 **nature or type of conduct that you were going into.**
 18 **The difficulty here was, in both cases, there was no**
 19 **trick about the identity, and there was no trick about**
 20 **what they were being asked to do. It is not**
 21 **a straightforward area of law.**
 22 Q. Would that still be the case now? Would there still be
 23 these difficulties now with that sort of issue, or has
 24 the law changed sufficiently?
 25 **A. It's slightly different, in that, in 1992, we were**

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1 **dealing with the common law rules. The law was changed**
 2 **in the Sexual Offences Act of 2003, and there's**
 3 **a statutory definition of "consent" now in the Sexual**
 4 **Offences Act of 2003 which came into force I think in**
 5 **2004, which widens the scope somewhat, and that's been**
 6 **confirmed in a number of cases that have gone through**
 7 **the Court of Appeal. It is still a problematic area,**
 8 **though.**
 9 Q. So the CPS's view on the decision which was made in 1992
 10 from the benefit of 2018, was the decision made in
 11 respect of indecent assault correct?
 12 **A. I think it was, yes.**
 13 Q. We now know that as a result of some of these
 14 difficulties with indecent assault, the offence of
 15 misconduct in public office was used during the 2014
 16 prosecution. Is there anything within the papers which
 17 suggests that that was ever considered at the time as
 18 being a possible prosecutable offence?
 19 **A. I haven't seen anything. I haven't seen anything to**
 20 **suggest it was considered, no.**
 21 Q. Was that something which was wrong? Was that something
 22 which the prosecutors should have considered in
 23 1992/1993, or was it -- just to inform you, DI Murdock
 24 yesterday said, "Well, it was one of those things nobody
 25 had ever heard of" or "It was only ever used about

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1 policemen at that stage"?
 2 **A. It is a common law offence, so it has been around for**
 3 **a number of years, so prosecutors would have been aware**
 4 **of it. But it was a very -- it was an offence that**
 5 **wasn't used very often, and, you're quite right, it was**
 6 **used generally for policemen doing things in police cars**
 7 **on duty when they shouldn't have been doing it,**
 8 **generally, or having inappropriate access to the police**
 9 **national computer and doing things that they shouldn't**
 10 **have done in getting information off of that.**
 11 **So it was an offence that was used, but it wasn't an**
 12 **offence that was used very often.**
 13 Q. So do you think, admittedly with the benefit of 2018
 14 hindsight, that the issue of misconduct in public office
 15 should have been explored during 1992 and 1993, because
 16 it would have solved the problems with consent you have
 17 just identified?
 18 **A. It would have done. I find it hard to criticise the**
 19 **lawyers in 1992/1993 for not using it because it wasn't**
 20 **an offence that was used very much. It was an offence**
 21 **that was subsequently used by Alison Levitt QC in 2013.**
 22 **She is a very capable and very able lawyer and she was**
 23 **actively involved in that offence at the time because**
 24 **she was appearing in some cases. So she thought of it.**
 25 **I find it difficult to criticise the lawyers in 1992**

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1 **and 1993 for not using it, because it's not an offence**
 2 **that was generally known to prosecutors.**
 3 Q. Can we now turn to the offences of ABH and GBH. If we
 4 can go back to the document that I showed you a moment
 5 ago, it says in respect of A117, I think this is,
 6 "Wounding with clothes brush" -- A98, sorry:
 7 "Wounding with clothes brush -- no complaint, no
 8 medical evidence, consented."
 9 If it is a wounding, is that correct to say that
 10 consent in that case would vitiate something which would
 11 amount to a wounding?
 12 **A. I don't think it is a wounding, actually.**
 13 Q. Right.
 14 **A. I actually think it would be -- if it was to be charged,**
 15 **it would probably be properly charged as an assault**
 16 **occasioning actual bodily harm, so an ABH. Consent**
 17 **isn't an issue in ABH. There's a line of cases that**
 18 **says you can't consent to conduct that causes injuries**
 19 **that are more than merely trifling.**
 20 Q. That was a case that had been the law since -- there was
 21 a case in 1934 which said that, and then there was
 22 a challenge to that law in fact in 1992 and 1993. So as
 23 this decision was being made, the case of R v Brown,
 24 which I think everyone who ever studies criminal law has
 25 to look at that particular case --

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1 **A. Yes.**
 2 Q. -- which, again, reiterated that point, which is a more
 3 than mere trifling injury cannot be consented to, even
 4 if the person says, "Yes, that's fine". That was in the
 5 context of consensual sado-masochistic activity, the
 6 R v Brown case, wasn't it?
 7 **A. That's right. I think at that stage it had been in the**
 8 **Court of Appeal. I think it was in the House of Lords**
 9 **in March 1993.**
 10 Q. So it was literally being decided at the same time as
 11 this was happening?
 12 **A. Yes.**
 13 Q. Would you have expected, in the circumstance, the CPS
 14 therefore to have charged ABH in respect of AN98?
 15 **A. It's difficult to say whether I would have expected --**
 16 **here it says "Wounding with clothes brush -- no**
 17 **complaint, no medical evidence, consented". I don't**
 18 **think consent is an issue.**
 19 Q. No.
 20 **A. I don't think you need medical evidence to prove an ABH.**
 21 Q. No.
 22 **A. On the face of it, this seems an offence that could be**
 23 **proved.**
 24 Q. Yes. If we turn to A117, again, he talks about being
 25 beaten, and in fact he identified it in his evidence, he

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1 was beaten such -- it doesn't say that here, but we know
 2 he was beaten such that he says he was bruised and he
 3 couldn't sit down for three or four days. Again, would
 4 that have been charged as a section 47 or a section 18?
 5 **A. If I was charging it, I would have charged it as**
 6 **a section 47.**
 7 Q. Again, it appears that that charge was not considered or
 8 brought at that time?
 9 **A. Yes.**
 10 Q. Or at least there doesn't appear in any of the evidence
 11 that we have seen to be any discussion about, "Should
 12 there really be a charge in this respect?". It all
 13 seems to be quite glossed over. Would you have expected
 14 the CPS to have brought charges in 1992/1993 in respect
 15 of the ABH that you identify?
 16 **A. It is difficult to answer that. I can't understand why**
 17 **there wasn't a consideration of ABH. From the**
 18 **documentation, it just seems to have, if I can use the**
 19 **phrase, dropped off the radar, and there doesn't seem to**
 20 **be an adequate explanation for that, because, on the**
 21 **face of it, there's evidence there that, in respect of**
 22 **two victims, could have founded a charge of assault**
 23 **occasioning actual bodily harm, so I can't understand**
 24 **why it wasn't considered.**
 25 Q. Now, one of the factors that may have been relevant, and

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1 I think this was identified within the police report we
 2 looked at yesterday, and also within the CPS documents,
 3 is there's some discussion about the fact that AN98 and
 4 AN-A117 had both come forward, they had both been
 5 interviewed, but they had both identified that they
 6 weren't keen to pursue complaints in their own right.
 7 But they were willing to come to court to support
 8 Neil Todd. A117 said that himself in the evidence that
 9 he gave to us on Monday.
 10 **A. Yes.**
 11 Q. Is that a relevant factor, in your view?
 12 **A. Well, it could be. Of course, the ultimate decision is**
 13 **one for the prosecutor, and it's got to be remembered**
 14 **that the prosecutor makes decisions based on the public**
 15 **interest, not individual interest of victims. That**
 16 **being said, the views of the victim are something that**
 17 **it's quite proper for a prosecutor to take into account.**
 18 **The problem here is, the documentation doesn't say**
 19 **why there was no charge of ABH. So I can't answer that**
 20 **question. It can be appropriate to take into account,**
 21 **but ultimately I have to accept that the decision is one**
 22 **for the prosecutor, and sometimes looking at the**
 23 **evidence, looking at the serious nature of**
 24 **the allegation, the prosecutor has to say to the victim,**
 25 **"I know you don't want to give evidence, but I'm going**

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1 **to require you to do so".**
 2 Q. What DI Murdock said yesterday was that a consideration
 3 in his mind, certainly when thinking about these
 4 witnesses, was the fact that, because at least one of
 5 them was gay and might want to pursue a career in the
 6 clergy, he was very concerned that they would have been
 7 absolutely torn apart by defence counsel or that in
 8 court there would have been lots of kind of unhelpful
 9 and nasty reference to their sexuality, which would have
 10 been --
 11 **A. Yes.**
 12 Q. Is that something which was a relevant consideration and
 13 is that something -- do you agree with DI Murdock's
 14 assessment of the possible difficulties for these young
 15 men giving evidence in 1992?
 16 **A. I think it is something that comes from the papers.**
 17 **It's clear from what the police report submits, and from**
 18 **what records we have been able to glean from the Crown**
 19 **Prosecution Service records, that the effect on the**
 20 **victims was something that was at the forefront of both**
 21 **the police and the prosecutor's mind. Whether it is**
 22 **appropriate -- if I can take you to paragraph 20 of my**
 23 **statement?**
 24 Q. Right.
 25 **A. It sets out there the version of the code for Crown**

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1 **Prosecutors that was in place at the time.**
 2 Q. If we could just get that up. If you hold on,
 3 Mr McGill, I am just going to find the relevant number
 4 so Danny can get it up: CPS003477_004. There we are.
 5 At (vi) of the italics -- at the bottom of the page,
 6 Danny:
 7 "What sort of impression is the witness likely to
 8 make?
 9 **A. Yes, and the next paragraph, "How is he likely to stand**
 10 **up to cross-examination?" Now, this is in the code, and**
 11 **it's something that the prosecutors would have been**
 12 **obliged at that stage to take into consideration, so the**
 13 **code effectively is the document that sets out how we**
 14 **make our decisions. So every prosecutor, when making**
 15 **their decision, will look at the code and have what's**
 16 **stated in the code in mind and here it says, "The**
 17 **prosecutor has to consider how likely is he to stand up**
 18 **to cross-examination".**
 19 **Further on, if I can take you to page 5, at the**
 20 **bottom of the italicised piece:**
 21 **"The prosecutor must be prepared to look beneath the**
 22 **surface of the statements. He must also draw, so far as**
 23 **is possible, on his own experience of how the evidence**
 24 **of the type under consideration is likely to 'stand up'**
 25 **in court."**

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1 **So the prosecutor has to exercise some judgment**
 2 **about how the evidence that is being presented to him or**
 3 **her is likely to come across in court.**
 4 **It is clear from the police report that they were**
 5 **very concerned about the position of Mr Todd, but they**
 6 **were also concerned about the other two victims as well,**
 7 **and I think they describe them perhaps as "fragile".**
 8 Q. Yes, the word "fragile" is used, yes.
 9 **A. So, as a prosecutor, you will have that in your mind**
 10 **when making a decision.**
 11 Q. That was a relevant -- I mean, can we just identify,
 12 I mean, now, in 2018, there are all sorts of special
 13 measures which can be put in place and there are various
 14 things which can and can't be said about somebody's
 15 previous sexual history and these sorts of offences.
 16 Was any of that in place in 1992, to the best of your
 17 recollection?
 18 **A. Very little. There was some videotaped evidence for**
 19 **children.**
 20 Q. What we would know as ABE interviews?
 21 **A. ABE. You could, in certain circumstances, make some**
 22 **applications for screens, but following the 2003**
 23 **Criminal Justice Act with hearsay, bad character**
 24 **evidence, but we have also got special measures, we've**
 25 **got intermediaries, we've got video interviews, we've**

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1 **got the ability to give evidence from remote sites.**
 2 **There is lots more we can do.**
 3 **Quite frankly, the attitude of counsel and the**
 4 **courts now are very different in these types of cases**
 5 **than they were. In 1992 -- we still operate in an**
 6 **adversarial system now, but if I can say it was a lot**
 7 **more adversarial, I think, in 1992/93 than it is now.**
 8 Q. We have some undated and unsigned notes from what
 9 appears to be the prosecutor considering the case.
 10 Chair and panel, behind tab 24, about four pages in.
 11 These, we think, are notes following, firstly,
 12 "Discussion with D" on 24/2. We think the "D" must
 13 mean -- sorry, it's CPS001072_010.
 14 These are some discussions and notes with the police
 15 which says:
 16 "No prospect of success in any prosecution other
 17 than Todd."
 18 Can we be clear, from your view, from the 2018 view,
 19 that's not right, is it?
 20 **A. Well, it's difficult to say with any degree of**
 21 **certainty, but what I can say is that there appears to**
 22 **be evidence that would found a charge of ABH in respect**
 23 **of the other two victims.**
 24 Q. Then in Todd's, it says:
 25 "2 allegations to justify prosecution ... lower end

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1 of scale."
 2 Is that accurate, that the gross indecency was at
 3 the lower end of the scale?
 4 **A. It's very difficult to say. Because, as a prosecutor,**
 5 **you do become quite hardened to a lot of things that you**
 6 **see. Have I seen allegations more serious than this?**
 7 **Yes, I have. Is this a serious allegation? Yes,**
 8 **I think it is, and I say that because of the nature of**
 9 **the relationship, the fact that it's clear that there**
 10 **was a certain amount of premeditation in this offending**
 11 **and, in respect of one of the allegations, it resulted**
 12 **in ejaculation, which I think is quite serious.**
 13 Q. Then it says:
 14 "Other 'victims' evidence of system.
 15 "Caution or prosecution.
 16 "Consensus of ..."
 17 We think this is probably the consensus of
 18 the conference with the police:
 19 "... view that the caution may [be] attractive.
 20 "(1) contested -- evidence of system would have to
 21 be introduced.
 22 "(2) victim's fragile Todd's suicide ..."
 23 Then there is reference to -- it says "homo"
 24 I understand that's probably "homosexual"?
 25 **A. To be fair, it is "homo" with a dot, so I think it is**

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1 **shorthand.**
 2 Q. Secondly:
 3 "(2) harrowing proceedings for victims."
 4 This is the top of the next page:
 5 "(3) sentence likely to be light."
 6 Is that true? Was the sentence likely to have been
 7 light at that stage?
 8 **A. Again, it's difficult to tell. Certainly in 2013, there**
 9 **was a significant sentence, but of course by that stage**
 10 **more victims had come forward. Looking back, it's**
 11 **difficult to say what view a court would have taken in**
 12 **1992/1993. On the face of it, the allegations are**
 13 **serious.**
 14 Q. It says:
 15 "(4) the mischief is to prevent further abuse of
 16 trust ...
 17 "(5) acceptance of caution equals end of career.
 18 Offers of resignation ..."
 19 I think we have probably dealt with that. Of
 20 course, "The mischief is to prevent further abuse of
 21 trust", if I remember rightly, was the sex offenders
 22 register in place at this time, 1992?
 23 **A. I don't think it was.**
 24 Q. So in fact, there couldn't have been the steps which
 25 could now have been taken for people to have to register

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1 and for people to be put on it. In fact, as we have
 2 subsequently found out, because it was only a caution,
 3 it would also have disappeared -- it also wouldn't have
 4 gone automatically on the PNC, and so CRB checks in both
 5 2004 and 2010 didn't reveal that there had been
 6 a caution for gross indecency?
 7 **A. I think it is only there for a while. Of course,**
 8 **I think the allegations had made the papers by that**
 9 **stage so there was a certain amount of publicity. But**
 10 **you're quite right, there wasn't, in 1992/93, what there**
 11 **is now in respect of this.**
 12 Q. It says at the bottom of this:
 13 "As, however, I compare, we share the police view
 14 equals caution. If D is content, our intention is to
 15 write to defendant solicitors that we would propose to
 16 authorise a caution as an alternative to prosecution."
 17 Next page, 011 up to 012:
 18 "Point out that unequivocal admission is needed.
 19 Were he to refuse a caution, our view equals
 20 prosecution."
 21 **A. Yes.**
 22 Q. There are some more factors that are set out for and
 23 against prosecution. We have a document which starts at
 24 CPS001072_018. Again, do we know who wrote this
 25 draft -- we are not entirely sure who wrote this --

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1 **A. No.**
 2 Q. -- but we are assuming this is probably a draft of
 3 something which was then typed up and/or given to the
 4 Director of Public Prosecutions, because it sets out
 5 what the allegations are, and it goes through them and
 6 talks about the issues of consent, and then, at 026, it
 7 sets out the points for and against prosecution. So in
 8 the "for" column, we have got:
 9 "Corruption of young persons. Substantial disparity
 10 in age. Assaults were more than trivial and were
 11 repeated.
 12 "2. Victims were particularly vulnerable. Totally
 13 dedicated to joining a monastic order and anxious not to
 14 offend a person they looked up to ...
 15 "3. Abuse of power and authority. Relationship of
 16 trust ...
 17 "4. Element of deceit and disguising homosexual
 18 gratification as monastic procedure.
 19 "5. Deterrent to others in authority.
 20 "6. Caution may be seen as a coverup and as
 21 preferential treatment."
 22 So are all of those, in your view, relevant factors
 23 weighing in favour of prosecution?
 24 **A. Yes.**
 25 Q. In particular, given the abuse of power and authority,

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1 and the fact that, as you well identified, there had
 2 been a lot of media speculation by this time about the
 3 case, that a caution may be seen as a coverup or as
 4 preferential treatment?
 5 **A. Of all of them, probably, I'm -- that's the one I'm**
 6 **less -- I was probably drawn to less. I think the most**
 7 **important thing is the corruption allegation. That's**
 8 **the thing that stands out for me. And the substantial**
 9 **disparity in age, and that they were part of a series.**
 10 Q. It says "deterrent to others in authority". What seems
 11 not to be in here explicitly, although I think it may be
 12 seen to be in here implicitly in terms of corruption of
 13 young persons and vulnerability and abuse of power,
 14 should there have been another number which said,
 15 "Protection of other young people", so preventing future
 16 offending? Or do you think that's encompassed in what's
 17 already set out in 1 to 6?
 18 **A. I think you could put it in there. If I'm honest,**
 19 **I think, once you get to the second bullet point, you**
 20 **probably don't need an awful lot more, to be fair.**
 21 Q. There's no mention here either of the seriousness of
 22 the offending or the harm that's been caused explicitly?
 23 **A. It says "assaults were more than trivial and repeated",**
 24 **so it indicates that they were quite serious.**
 25 Q. What it doesn't do is it doesn't talk about the fact

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1 that Mr Todd, for example, attempted suicide shortly
 2 after the assaults occurred, and that the other
 3 individuals had had and required psychological
 4 treatment?
 5 **A. No, it doesn't mention it there. It does mention it in**
 6 **other documents but it doesn't mention it there, no.**
 7 **It's clear that it was at the forefront of**
 8 **the prosecutor's mind because they refer to it certainly**
 9 **in the document that you had before, it was referred to**
 10 **there.**
 11 Q. Can we look at the next page, please, Danny,
 12 CPS001072_027. This is the "Against":
 13 "(1) no previous convictions."
 14 We have already talked about that:
 15 "(2) charges would, I suggest, be confined to gross
 16 indecency ..."
 17 Again, we have already discussed that:
 18 "... and indecent assault on Todd."
 19 We are not sure about that. That wouldn't have
 20 been -- indecent assault couldn't have been charged as
 21 against Neil Todd?
 22 **A. I don't think it would have been. If I were to charge**
 23 **it, it would have been charged as a gross indecency.**
 24 Q. Then it says:
 25 "(3) traumatic experience for church and victims in

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1 the event of a trial."
 2 I can imagine victims, but traumatic experience for
 3 the church, is that a relevant feature?
 4 **A. I don't think it is. I think it's irrelevant for**
 5 **a prosecutor to take into account. You look at the**
 6 **allegations. As I said before, you look at the**
 7 **evidence, you look at the law, and then you look at the**
 8 **code, and you go where that takes you. The effect that**
 9 **that may have on the church I think is irrelevant to the**
 10 **decision that the prosecutor would make.**
 11 Q. Can we go now, Danny, to CPS000792_351, behind tab 12,
 12 chair and panel. This is a briefing note which was
 13 prepared for the DPP. We have got it in draft. Can
 14 I just check, at the top of the page, it says "Agreed"
 15 and then we have covered the signature up. But as
 16 I understand it, this was something which was agreed by
 17 a very senior member of the -- in fact, the person who
 18 had your job at the time, Mr Chris Newell?
 19 **A. That's right. I think what he is saying there is he**
 20 **agrees that the briefing can go to the Director of**
 21 **Public Prosecution. I think that's what "agreed" means.**
 22 Q. It doesn't necessarily mean, "I agree with what's in
 23 there"?
 24 **A. I think it does, because, if he didn't agree, he**
 25 **wouldn't have agreed it could have gone.**

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1 Q. Again, we can see here at the bottom of 351, the last
 2 sentence of the second paragraph, please, Danny:
 3 "Under police interview, Ball admitted a limited
 4 degree of intimacy with Todd but denied any indecent
 5 contact or other activity."
 6 Then it says there's no prospect of successfully
 7 prosecuting Ball in respect of any earlier allegations
 8 and it talks about the time bar and consent. Then if we
 9 can go down to the bottom of the next page, that's 0352,
 10 please, Danny, it says:
 11 "The route of a caution was agreed to have the
 12 following attractions ..."
 13 Then it sets out five factors, starting at the
 14 bottom of 0352, going on to 0353. Danny, if you could
 15 get 352 and 353 next to each other, please. The first
 16 thing that's identified is, this draft doesn't set out
 17 the advantages and disadvantages of charge as well. It
 18 almost seems to proceed on the basis that caution is the
 19 only realistic option. Do you think that, in what went
 20 to the DPP, it should have set out the advantages and
 21 disadvantages of prosecution?
 22 **A. No, because I don't think you're asking the DPP to make**
 23 **a decision. The DPP is entitled to expect her senior**
 24 **prosecutors to weigh up the pros and cons and set out in**
 25 **a document the decision that they have come to so that**

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1 **she could look at it and decide whether she was content**
 2 **with that decision.**
 3 Q. It then says at (1):
 4 "Any trial would be at the Crown Court with strongly
 5 contested issues of credibility and admissibility."
 6 Why is it relevant to a trial that it would be
 7 strongly contested? I can imagine ideas of credibility
 8 and admissibility, I can understand why they would be
 9 relevant, but the fact that something is going to be
 10 strongly contested, is that a relevant feature?
 11 **A. I think it probably is in this case, bearing in mind**
 12 **what was in the police report about the fragility of**
 13 **the victims, and it's clear that throughout the**
 14 **consideration by the prosecutors, they were very**
 15 **concerned about the effect that any trial could have,**
 16 **particularly on Mr Todd, who they were aware had made**
 17 **two previous attempts on his life. So that's something**
 18 **that really does come out from the CPS documentation,**
 19 **that they were concerned about the effect that any trial**
 20 **may have on Mr Todd.**
 21 Q. Should the DPP have been given the factors against
 22 a caution? So, in a way, the factors that we had
 23 outlined, the for and against as identified in the draft
 24 I just pulled up just before this document?
 25 **A. No, it's -- look, it depends on each DPP. They all have**

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1 **their own wishes about how they like to be briefed, and,**
 2 **generally, it's -- a briefing, there's emphasis on the**
 3 **word "brief", so you don't put too much detail in. You**
 4 **give the DPP what they need to know, and you use your**
 5 **experience as to what you think the DPP would want to**
 6 **know about the particular matter you're briefing them**
 7 **about. They're all, quite frankly, very different.**
 8 Q. In respect of your -- did you have enough knowledge and
 9 understanding of Dame Barbara Mills to know whether or
 10 not this was the style in which she liked it to be
 11 written or --
 12 **A. I'm afraid I didn't. I met her. I was a junior**
 13 **prosecutor at that time. So I didn't have very much**
 14 **dealings with her at that stage.**
 15 MS SCOLDING: I think now, chair, if it would be an
 16 appropriate moment to have a short break?
 17 **A. Yes, of course. We will return just before 11.30.**
 18 MS SCOLDING: Can I just identify that there are still some
 19 problems -- apologies, chair and panel -- with the
 20 transcription system. A technician is coming to try and
 21 fix it. Thank you all very much for your patience.
 22 Don't forget, Mr McGill, you are on oath.
 23 (11.15 am)
 24 (A short break)
 25 (11.32 am)

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1 MS SCOLDING: Just before I start again with Mr McGill, can
 2 I just thank everybody again for their patience.
 3 I understand the problem has now been fixed, but thank
 4 you very much for bearing with us.
 5 Mr McGill, we were talking about the caution just
 6 before the break. I'm now going to take you to -- chair
 7 and panel, behind tab 11; for everybody else's purposes,
 8 ACE000151_007. This is a part of the Home Office
 9 circular on the cautioning of offenders. I'd like to
 10 take you to the bottom of that page, which says under
 11 paragraph 2:
 12 "A former caution is a serious matter."
 13 Danny, would you enlarge the bottom half of that
 14 page for me, please? Thank you very much:
 15 "A formal caution is a serious matter. It is
 16 recorded by the police ...", et cetera, et cetera:
 17 "The following conditions must be met before
 18 a caution can be administered.
 19 "There must be evidence of the offender's guilt
 20 sufficient to give a realistic prospect of conviction."
 21 That was the case here, was it not?
 22 **A. Yes.**
 23 Q. Secondly:
 24 "The offender must admit the offence."
 25 That bit is missing, isn't it?

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1 **A. It is, in my view.**
 2 Q. "The offender ... must understand the significance of
 3 the caution and give informed consent to being
 4 cautioned."
 5 That's not something that would have been
 6 necessarily within the CPS's knowledge at the time the
 7 decision was made.
 8 Can I take you to note 2B:
 9 "A caution will not be appropriate where a person
 10 does not make a clear and reliable admission of
 11 the offence (for instance, if intent is denied or there
 12 are doubts about his mental health or intellectual
 13 capacity)."
 14 In this case it would be the former, "if intent is
 15 denied". The other issues would not be relevant:
 16 "It does not follow in such circumstances that
 17 prosecution will be inevitable. It may be appropriate
 18 to take no further action or, in some cases, to consider
 19 whether the person requires help from the health and/or
 20 social services ..."
 21 **A. Yes.**
 22 Q. Can I take you to note 2D:
 23 "In practice, consent to the caution should not be
 24 sought until it has been decided that cautioning is the
 25 correct course [of action]."

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1 So the difficulty that the inquiry may have is that
 2 everybody proceeded on the basis that a caution was
 3 appropriate -- the DPP gave her consent -- but, in
 4 a way, one of the essential ingredients of being able to
 5 administer a caution as set out in the Home Office
 6 circular, which I am assuming is what should have been
 7 followed -- you must have to have regard to it, I'm
 8 assuming?
 9 **A. Yes, it was the -- it's not legislation --**
 10 **Q. No.**
 11 **A. -- but it is the relevant policy in place that was**
 12 **required to be followed.**
 13 **Q. Which is why I say the term "must have regard to it"**
 14 **rather than "must follow it"?**
 15 **A. It was certainly something I was aware of about how to**
 16 **approach cautions in 1992/93.**
 17 **Q. In particular, can I take you to the public interest**
 18 **considerations on 008. If the first two requirements**
 19 **are met, consideration needs to be given as to whether**
 20 **the caution is in the public interest:**
 21 "Factors which should be taken into account here
 22 are.
 23 "The nature of the offence.
 24 "The likely penalty ...
 25 "The offender's age and state of health.

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1 "...
 2 "His attitude towards the offence, including
 3 practical expressions of regret."
 4 Again, we seem to be missing those, don't we?
 5 **A. Yes, from what I have seen, Bishop Ball was suggesting**
 6 **that the complainant, especially Mr Todd, was**
 7 **a fantasist, and essentially was lying.**
 8 **That doesn't sit particularly comfortably, I think,**
 9 **with a caution being administered.**
 10 **Q. Note 3A at the bottom of that page:**
 11 "The most serious offences, including those
 12 triable-only or an indictment, will not be suitable for
 13 a caution ..."
 14 Can I just check, was the offence of gross indecency
 15 triable-only or was it an either-way offence?
 16 **A. It was an either-way offence, I believe.**
 17 **Q. "... regardless of the age or previous record of the**
 18 **offender, nor will a caution be appropriate in cases**
 19 **where the victim has suffered significant harm or loss."**
 20 **A. Yes.**
 21 **Q. Again, in that case, obviously we know that Neil Todd**
 22 **has attempted suicide. The other two individuals who**
 23 **were interviewed at the time where there were possible**
 24 **offending, both required psychological counselling and,**
 25 **arguably, significant harm had been caused to them**

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1 spiritually, leaving aside any issue of mental health
 2 problems.
 3 Again, would you agree, given this, that that
 4 inclines against a caution being administered in the
 5 circumstances of this case?
 6 **A. Yes, I do. The only thing that I think we need to keep**
 7 **under consideration, and it is something I referred to**
 8 **before, is what the police had told us about the mental**
 9 **health of the victims, and that is something that**
 10 **obviously played on the mind of both the officers and**
 11 **the prosecutors. But, on the face of it, I agree, the**
 12 **circumstances of this offence don't sit well with**
 13 **a caution.**
 14 **Q. Can we go over to ACE000151_010, Danny, please. This is**
 15 **about the views of the victim:**
 16 "Before a caution can be administered, it is
 17 desirable that the victim should normally be contacted
 18 to establish:
 19 "His or her view about the offence.
 20 "The extent of any damage or loss.
 21 "...
 22 "The victim's consent to a caution, although
 23 desirable, is not essential."
 24 Is that still the case?
 25 **A. No, the decision is ultimately one for the Crown**

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1 **Prosecution Service as to whether it's appropriate or**
 2 **not. We will of course always consult with the victim**
 3 **and will take the victim's views into account, but it is**
 4 **a matter for us. In fact, I think in this case I think**
 5 **DI Murdock spoke to Mr Todd.**
 6 **Q. Yes, I think he did so after the event. But he had**
 7 **spoken to him before. The evidence that DI Murdock gave**
 8 **to us yesterday was that when he had originally**
 9 **interviewed Mr Todd and afterwards, they'd really said,**
 10 **"We just want him to resign as a bishop and we want him**
 11 **not to be able to do this to anybody else"?**
 12 **A. And I think that was something that played on the minds**
 13 **of DI Murdock and the prosecutors as well.**
 14 **Q. Do you think it properly played on their minds?**
 15 **A. I think it's difficult to say "properly". I think --**
 16 **officers and prosecutors will take into account all the**
 17 **information that they're told. I think the views of**
 18 **the victim are very persuasive. They're not definitive**
 19 **and they are not determinative. The ultimate decision**
 20 **is one for the prosecutor exercising their judgment and**
 21 **their professional responsibilities.**
 22 **Q. Can I just be clear, as a result of this, what you**
 23 **appear to be saying is that, in fact, a caution**
 24 **shouldn't have been offered at all unless and until an**
 25 **admission had been made?**

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1 **A. I don't think that the caution was administered in**
 2 **accordance with the Home Office guidelines, so the**
 3 **answer to your question, I suppose, is "yes". Sorry,**
 4 **I should have said yes.**
 5 Q. That's absolutely fine. We are then in a position when
 6 the decision to take a caution was then communicated to
 7 the defence by way of a letter from the CPS. Now,
 8 again, how usual was this, because the decision to
 9 administer a caution, as you have already identified,
 10 lies ultimately with the police, so the CPS would have
 11 said to the police --
 12 **A. Yes.**
 13 Q. But they wrote a letter -- chair and panel, behind
 14 tab 12 of your bundle; Danny, CPS0007920_0190:
 15 "Careful and anxious consideration has been given to
 16 the evidence ... the view taken is that there is
 17 sufficient admissible, substantial and reliable evidence
 18 available to support proceedings against your client for
 19 offences of indecent assault and gross indecency."
 20 We have already identified, that first one is wrong,
 21 isn't it?
 22 **A. I think it is wrong, yes.**
 23 Q. "Having regard to all the circumstances, however, the
 24 Crown would be prepared to allow a disposal less than
 25 prosecution, namely, a caution for one offence ...

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1 I must point out that the administration of a caution
 2 can take place only on the basis of a full and
 3 unequivocal admission of the offence in question. If
 4 your client agrees to be cautioned, it must be on such
 5 basis only."
 6 Was this letter -- obviously you didn't write this
 7 letter and you weren't responsible for its production.
 8 As far as you can tell from the evidence, one of
 9 the difficulties is that this letter seems to be saying
 10 that the caution is being administered but it deals with
 11 all the offending, including that of AN98 and A117. Is
 12 that how you read this letter?
 13 **A. Well, I think it's certainly capable of that reading.**
 14 **I don't think it does say that, but I think it's capable**
 15 **of saying that, if that makes sense.**
 16 Q. Yes. Do you know why Bishop Ball was only cautioned for
 17 the one offence in October and not the September offence
 18 as well?
 19 **A. I don't know, no.**
 20 Q. Was that incorrect? Even if there was a caution, should
 21 it have been administered in respect of both
 22 the September and the October offence?
 23 **A. We have thought about this, and there's no reason,**
 24 **I don't think, why you can't put more than one offence**
 25 **in a caution. I don't know why only one offence was**

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1 **included in the caution.**
 2 Q. What it also says is there needs to be a full and
 3 unequivocal admission of the offence in question?
 4 **A. Indeed.**
 5 Q. Before this can take place.
 6 **A. Indeed.**
 7 Q. Now, as far as -- we cannot find -- the inquiry can't
 8 find and nobody else has been able to find any kind of
 9 letter or anything, either written or oral on a tape,
 10 which provides a full and unequivocal admission?
 11 **A. I haven't seen anything.**
 12 Q. And we haven't seen anything either. I mean, it may
 13 well be buried in amongst the papers, but from what we
 14 have examined. What we do have is a letter from Madge,
 15 Lloyd & Gibson dated 5 March 1993 which is at
 16 CPS000792_0191, the next page on, chair and panel, from
 17 the letter we have just been looking at:
 18 "Thank you for your letter ... upon which we have
 19 taken our client's instructions. He will accept the
 20 caution, full details of which are set out in your
 21 letter, received by fax."
 22 Again, that isn't an admission, is it? That's
 23 simply saying, we accept -- you know, because the full
 24 details are not set out.
 25 I would have expected -- what would have been the

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1 practice at that time in terms of the administration of
 2 caution, do you know?
 3 **A. Well, I don't know specifically. I suspect different**
 4 **police officers in different forces adopted different**
 5 **techniques. The best way to have done it, I think,**
 6 **would have been to have reinterviewed and had a full,**
 7 **unequivocal admission on a tape-recorded interview.**
 8 **Other police officers may have written admission in**
 9 **a pocket book and asked the suspect to sign it. Others**
 10 **might have required, if you like, a basis of plea.**
 11 Q. A sort of typed-up letter or something saying, "This is
 12 what I agree to"?
 13 **A. Yes.**
 14 Q. Or, "This is the offending I admit to"?
 15 **A. Exactly.**
 16 Q. Do you accept, in all the circumstances, that the letter
 17 we have just seen wasn't clear enough about what -- the
 18 nature of what the CPS were no longer proceeding with at
 19 the time in question? Maybe if we can just get it back
 20 up: CPS000792_0190, Danny.
 21 **A. It's certainly not precise. It doesn't talk about the**
 22 **precise conduct. The problem with the letter, as you**
 23 **have already pointed out, is that it's wrong in one**
 24 **part, where it talks about there being sufficient**
 25 **evidence to support offences of indecent assault and**

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1 **gross indecency. It's confusing.**
 2 Q. Do you think, or are you aware of any consideration by
 3 the CPS at the time that this letter was meant to be
 4 granting Peter Ball immunity from future prosecution for
 5 the offences which were identified or for any other past
 6 offending?
 7 **A. No.**
 8 Q. Can we now pass on to the 2003 investigation, if we may.
 9 Northamptonshire Police were investigating a gentleman
 10 called Colin Pritchard, who was ultimately convicted and
 11 who in fact has just been reconvicted again in March
 12 this year. During this investigation, information came
 13 to light about Peter Ball, as a result of which the
 14 relevant detective constable at the time, DC Charman,
 15 from whom we have a written witness statement, obtained
 16 the letters which had been sent to Lambeth Palace in
 17 1992/93 and subsequently sought some advice from the
 18 CPS.
 19 Now, these letters which we have all seen at various
 20 points during the course of this week but which I don't
 21 need to take you to were passed to a senior Crown
 22 Prosecutor at Northamptonshire CPS; is that correct?
 23 **A. That's what the records show, yes.**
 24 Q. The advice was, DC Charman tells us, that the letters
 25 didn't disclose any criminal offences. DC Charman

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1 wasn't very happy about that so he sought a second
 2 opinion from a second senior Crown Prosecutor who
 3 repeated that the letters did not disclose any criminal
 4 offences. That's right, isn't it?
 5 **A. Indeed. That's what the records show, yes.**
 6 Q. Is there any record that the CPS did a full written
 7 advice to Northamptonshire Police about these letters
 8 and should there have been a written advice saying, "You
 9 have asked me to consider this. These are all the
 10 circumstances". Would that have been usual practice at
 11 the time?
 12 **A. Two answers. I have not seen any written advice. Good
 13 practice would suggest, if you are providing advice to
 14 a police officer, it should be in writing. Experience
 15 has taught me that what I may be communicating to not
 16 just a police officer, but to anyone, I may think I'm
 17 being clear, but I may not be as clear as I think I'm
 18 being. So having it in writing is good practice.
 19 Can I just clarify one matter?**
 20 Q. Yes.
 21 **A. When you asked me the question about immunity, I may
 22 have misunderstood your question. The letter -- when
 23 I answered "no", I meant the purpose of the letter was
 24 not to provide any immunity. If I didn't make that
 25 clear, that's what I wanted to make clear.**

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1 Q. Has there been any other discussion that you can see in
 2 your records about there being discussion of immunity
 3 from prosecution for the other offences by dint of
 4 the administration of the caution?
 5 **A. No, it was considered in 2013, as it had to be, again,
 6 as to whether there would be any lawful bar to
 7 prosecuting again. It was considered and concluded that
 8 there was no lawful bar.**
 9 Q. Are there any other letters, other than the letter that
 10 has gone up on screen?
 11 **A. No.**
 12 Q. Were any letters sent specifically to Peter Ball
 13 himself?
 14 **A. Not that I'm aware of. Only -- other letters when --
 15 there was subsequent correspondence between Mr Ball --
 16 Bishop Ball and the CPS in years subsequent.**
 17 Q. Yes.
 18 **A. When he was seeking clarification as to the precise
 19 terms of the caution.**
 20 Q. Just for the avoidance of doubt, was the letter
 21 intending to say that no further action -- or there was
 22 immunity from any further prosecution in respect of
 23 actions taken in respect of AN98 and AN117?
 24 **A. Sorry, could you repeat that?**
 25 Q. Yes. Was the caution intended to include the offending

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1 against AN98 and AN117?
 2 **A. No, because it specifically referred to, I think,
 3 Mr Todd.**
 4 Q. Thank you very much. If we can now go back to the
 5 letters and Northamptonshire, you have provided
 6 a helpful table at paragraph 157 of your witness
 7 statement -- chair and panel, behind tab 1 of your
 8 bundle, CPS003477_032 and 033, Danny. These are letters
 9 which we have seen. Firstly, the letter that says, "Our
 10 son was 17 years old when there was a suggestion that he
 11 should share his bed" and whether or not he wore boxers
 12 and briefs. Then it's got the CPS advice set out in
 13 DC Charman's letter which says it doesn't amount to
 14 a criminal offence. Then it's got "Current view":
 15 "This letter does not disclose a criminal offence."
 16 **A. On the face of it, it doesn't appear to.**
 17 Q. Secondly, we have got AN-A99, who indicated that
 18 Peter Ball, as a form of initiation, required him to
 19 "strip off all my clothes" and make vows in the chapel:
 20 "... and then strip off again and caress him. I did
 21 go into the chapel and caress him, but I was unhappy
 22 with it."
 23 **A. Yes.**
 24 Q. Again, you say you don't know how old he would have
 25 been. If he was over 16 and he provided consent, it

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1 wouldn't have been indecent assault and gross indecency
 2 would have been time barred; is that right?
 3 **A. Certainly, if he was over 16 and he's alleged to have**
 4 **provided consent, it would have been problematic, for**
 5 **the reasons we have already described, but yes.**
 6 Q. Would those two offences, however, or could they have
 7 been capable of being part and parcel of a misconduct in
 8 public office charge?
 9 **A. Yes, they could.**
 10 Q. The next letter is one which I have described earlier in
 11 the week as "bashful":
 12 "I have something which I am uncertain whether or
 13 not I ought to relate concerning a private meeting and
 14 talk which I had with Bishop Peter."
 15 Obviously that doesn't disclose a criminal offence
 16 because we don't know what it is that allegedly
 17 happened.
 18 Did anybody think at the time, or do you think that
 19 somebody should have gone and contacted that
 20 individual -- or that individual had to be contacted, in
 21 any event, prior to the letter being disclosed to you.
 22 Do you think that the Northamptonshire Police should
 23 have contacted that person and asked them -- and/or the
 24 CPS asked them to provide some further detail about what
 25 happened, just in case that did disclose any form of

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1 offending?
 2 **A. Well, it's certainly an option. What is said here is**
 3 **something really quite vague, and it's a matter,**
 4 **I think, of professional judgment as to whether a police**
 5 **officer in those circumstances would, off their own**
 6 **back, go and make further enquiries or whether**
 7 **a prosecutor would suggest that they are -- I think it's**
 8 **a difficult one, because this is so vague.**
 9 Q. Then AN-A108:
 10 "My son was approached by the bishop on a number of
 11 occasions with unwelcome suggestions of a homosexual
 12 nature.
 13 "May have been criminal, but it would have depended
 14 on the age of your son at the time."
 15 Again, should there have been some more checking of
 16 how old this gentleman was at the time? Because if he
 17 was under 16, it may well have been an automatic offence
 18 of gross indecency?
 19 **A. Yes, although it would have depended on when it took**
 20 **place.**
 21 Q. If he was over 16, it would have been time barred. If
 22 he was under 16, was there also a time bar or no time
 23 bar in those circumstances?
 24 **A. In respect of gross indecency, it would have been time**
 25 **barred.**

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1 Q. In respect of indecent assault?
 2 **A. There is no limitation on indecent assault, subject to**
 3 **being able to deal with the question of consent. This**
 4 **one I think is a little less vague than the previous**
 5 **one, if I can put it that way, because it does say on**
 6 **a number of occasions "with unwelcome suggestions of**
 7 **a homosexual nature". What I have said there is,**
 8 **there's insufficient evidence within the letter to form**
 9 **a view.**
 10 Q. Do you think somebody should have gone and found out
 11 a little bit more information about that?
 12 **A. I think they could have done. It's difficult -- it**
 13 **would depend on the workload, depending on the officer,**
 14 **but certainly -- when I say "insufficient evidence**
 15 **within the letter to form a view", what I probably would**
 16 **have said is, "If you want me to form a view, you need**
 17 **to provide me with some further evidence".**
 18 Q. We now turn to AN93. This was when he was 17 in 1980
 19 "Peter Ball asked me to masturbate in front of him" to
 20 allow AN93 to be relieved of guilt and tension.
 21 **A. Mmm.**
 22 Q. Again, one, it wouldn't have related to -- of an
 23 indecent assault of an under 16-year-old to which
 24 obviously consent -- you can't consent to --
 25 **A. Those facts are not consistent with an indecent assault.**

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1 **There is no suggestion on that that there was any sort**
 2 **of touching.**
 3 Q. So it says:
 4 "The letter does not disclose a criminal offence ...
 5 gross indecency would have been time barred."
 6 **A. Certainly gross indecency, it would have been time**
 7 **barred.**
 8 Q. He was over 16 at the time so there is an issue with the
 9 time bar. But, again, certainly -- I mean, obviously
 10 the "bashful" letter, I'm not sure one could do anything
 11 with, but AN-A108 and AN-A93's allegations, could they
 12 have formed part of a charge of misconduct in public
 13 office?
 14 **A. There would have had to have been further investigation,**
 15 **but on their bare facts, they could have done, yes.**
 16 Q. Yes, of course. Can we turn now to the 2012-2015
 17 investigation. This is called -- well, the police
 18 investigation was called Operation Dunhill. The police
 19 investigation commenced in approximately July 2012. It
 20 was referred to the CPS for advice in February 2013 and
 21 was allocated to somebody called Simon Drew who was the
 22 reviewing lawyer.
 23 Now, we do have a witness statement from Mr Drew
 24 which will be put up on the website, and his witness
 25 statement, just for the benefit of going on the website,

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1 CPS003465_001 onwards. There were complaints received
 2 from both the Deputy Chief Constable of Sussex Police
 3 and also from Lord Lloyd about the time it was taking,
 4 and we dealt with DS Carwyn Hughes from Sussex Police
 5 who was the senior investigating officer in
 6 Operation Dunhill. He talked to us yesterday about the
 7 fact he wrote a letter because he was concerned because
 8 they were losing victims at the time.
 9 Do you think that the 2012 investigation took too
 10 long? It took too long -- the decision to prosecute and
 11 then the subsequent issues, it took too long a time?
 12 **A. I think that's a very difficult question to answer. If**
 13 **I can answer it like this: this was a complicated**
 14 **inquiry involving numerous allegations by numerous**
 15 **complainants. Alison Levitt QC, the principal legal**
 16 **adviser -- we were dealing with some legal challenges,**
 17 **in that we were looking at a decision that had been made**
 18 **some 25 years previously, and a decision that had at**
 19 **least been notified to the Director of Public**
 20 **Prosecutions at the time. So it required us to be -- to**
 21 **change a decision made by a DPP is a considerable thing**
 22 **to do. So it had to be looked at by someone senior.**
 23 **It was looked at by Alison Levitt QC, the principal**
 24 **legal adviser, and she identified using misconduct in**
 25 **public office as a way of dealing with this criminality,**

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1 because specifically it dealt with the question of
 2 consent. It is a complicated area of law. It was an
 3 area of law that was going through the Court of Appeal
 4 at the time because it was being looked at by senior
 5 judges who were narrowing the scope of misconduct in
 6 public office, and Alison Levitt herself was trial
 7 counsel in one of the leading cases, Mitchell, which was
 8 referred to in my statement.
 9 So there was a lot for the CPS to do and to
 10 consider. It was also very well prepared.
 11 Alison Levitt's charging advice which --
 12 Q. We have a copy of it. It is 195 pages in length.
 13 **A. It was considered in detail, and every -- I believe**
 14 **every legal challenge that could have been considered**
 15 **was considered in depth and very well considered, if**
 16 **I may say so.**
 17 **So I think the time spent at the beginning of**
 18 **the case, making sure that the issues were properly**
 19 **dealt with, was time well spent.**
 20 **Having said all that, 14 months to take a charging**
 21 **decision instinctively feels to me to be too long, even**
 22 **for a complicated matter like this.**
 23 Q. What Sussex Police were saying is, they had a number of
 24 victims -- obviously this had all happened to them
 25 30 years ago, very often between 25 and 35 years ago --

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1 **A. Yes.**
 2 Q. -- who kept writing to them saying, "We don't want to
 3 proceed. We don't want you to do anything", so they
 4 were having to spend a lot of time managing that
 5 situation and possibly losing people who may well have
 6 been valuable to any prosecution because of the length
 7 of time that it was taking to make a decision?
 8 **A. I understand that, and this is always a balance. There**
 9 **is a balance about doing it properly, getting the right**
 10 **result, and ensuring that you are analysing all the**
 11 **issues at the beginning and having a strategy to deal**
 12 **with some of the legal issues that were inevitably going**
 13 **to arise here. There was always going to be an abuse of**
 14 **process application here in any trial. Those issues had**
 15 **to be considered.**
 16 **It is about getting that balance right between doing**
 17 **that work at the beginning and analysing and**
 18 **strategising how you might deal with that as against**
 19 **ensuring that you keep things moving at the required**
 20 **pace.**
 21 Q. Can I take you to CPS001593. I have been asked to ask
 22 a series of questions on behalf of those representing
 23 Peter Ball. Tab 18, chair and panel. This is
 24 a conference with the police on Operation Dunhill on
 25 20 November 2013. Just to be clear, you weren't at that

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1 meeting.
 2 **A. I wasn't.**
 3 Q. Somebody called Tim Thompson was there, who I understand
 4 is a member of the central case work CPS team?
 5 **A. He was a senior lawyer who worked in Alison Levitt's**
 6 **team.**
 7 Q. And somebody called SD was there, who we believe to be
 8 Simon Drew?
 9 **A. I believe it is Simon Drew.**
 10 Q. Who was the Sussex -- yes. And somebody called CH was
 11 there, who we believe to be Carwyn Hughes. We are not
 12 entirely sure who JI, JW and HU are, and I'm not sure
 13 you could probably shed any light on that?
 14 **A. No, I'm afraid I don't, I'm sorry.**
 15 Q. This was a conference in which each of the complainants
 16 was discussed and -- sort of to try and work out, right,
 17 what offences were made out on the law, what offences
 18 were made out on the facts, what further investigation
 19 actions are needed. How common are these sorts of
 20 meetings in complicated cases?
 21 **A. Very common. The more work you do as a prosecution**
 22 **team, the better the results, quite frankly.**
 23 Q. If we can go down to what's identified as 5, 6, 7 and 8
 24 on that page. Now, this is dealing with the
 25 irregularities in the 1993 letter that I got up a few

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1 moments ago:
 2 "Mentioned the 1993 investigation and problem with
 3 caution ... some confusion over decision making process.
 4 DI Murdock report. Note of meeting is that all we can
 5 prove is GI with Neil Todd. Consensus to caution. DPP
 6 signed this off.
 7 "However, letter sent off stating GI and IA
 8 considered viable, offer made to caution for GI only.
 9 "Difficulty with letter contrary to HO guidelines.
 10 "The 'stick' of IA despite review saying IA not made
 11 out.
 12 "Could cause us problem.
 13 "... discussed briefly. Consent on ABH and GBH
 14 conclusion in 1993 peculiar, given Brown had been before
 15 court year before and in light of Donovan ... Cannot
 16 consent to indecent assault if injuries are more than
 17 transient ...
 18 "Potentially a further error [for something] ...
 19 "... and [redacted] ... arguably included in the
 20 advice and therefore the caution given indication in
 21 paperwork."
 22 Can we stop the feed, because I have accidentally
 23 said something on my paper copy that I shouldn't have
 24 said which isn't up on screen? Chair, could you make
 25 a restriction order?

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1 THE CHAIR: Yes, I make the order.
 2 MS SCOLDING: Sorry. My paper copy hasn't got all the
 3 redactions on it that appear on screen. Apologies.
 4 I do apologise.
 5 It was considered that there were a number of
 6 irregularities with the letter sent in 1993. It is
 7 right, isn't it, that before this conference which was
 8 in November 2013 Peter Ball had indicated to police that
 9 he considered that he had immunity from any further
 10 prosecutions?
 11 **A. I wasn't aware of that. I have become aware of that.
 12 But I wasn't aware of it.**
 13 Q. Have statements being taken from Simon Drew and
 14 Tim Thompson about this particular meeting?
 15 **A. I believe they have, yes.**
 16 Q. To what letter is this referring? Is this the letter
 17 that I just got up? I think it is, isn't it?
 18 **A. It's the letter from Brandon Lewis offering the caution,
 19 I believe. I think that date is 5 March 1993.**
 20 Q. Yes. At the meeting, was it discussed -- obviously you
 21 weren't at that meeting -- whether or not they, taken
 22 together, imply that Peter Ball would not be prosecuted
 23 in the future?
 24 **A. I think there was a concern that because of the loose
 25 wording of the letter, as we discussed, that the**

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1 **impression could have been given or that it could be**
 2 **argued that that was what it's -- because that -- we**
 3 **knew that we could prosecute for gross indecency, but we**
 4 **knew that there wasn't evidence for indecent assault.**
 5 **It could be argued that the letter was suggesting that**
 6 **all the evidence had been considered in 1993.**
 7 Q. Can I take you to page 5 of that document, that's
 8 CPS001593_005, "Police request":
 9 "Copy of letter sent to Ball 1993 to police. TT
 10 will check, but of view need to see it and should have
 11 it."
 12 Now, as I understand it, Carwyn Hughes has told us
 13 that he didn't ever see that letter and it wasn't ever
 14 sent to him. Do you know why it wasn't sent to
 15 Sussex Police?
 16 **A. I believe that, as I said, we already knew that if this**
 17 **case was going to be prosecuted, there would be**
 18 **a hotly-contested abuse of process application, and**
 19 **I think out of an abundance of caution -- properly,**
 20 **probably, at that stage -- there was a limitation of**
 21 **the evidence that would be available to people who were**
 22 **potentially going to be witnesses or might have to give**
 23 **evidence in that abuse hearing.**
 24 Q. Can I just identify again, from all the information that
 25 you and the CPS have looked at, are there any letters

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1 other than the letter that I got up on screen which deal
 2 with Peter Ball and what he was or wasn't going to be
 3 prosecuted or not prosecuted with in 1993 that come from
 4 the CPS?
 5 **A. No, we have provided all the correspondence that we**
 6 **have.**
 7 Q. Can I just double-check you have double-checked that
 8 recently, or someone on your behalf has?
 9 **A. Yes. I haven't personally.**
 10 Q. You haven't personally, but yes?
 11 **A. I know it has been checked.**
 12 Q. Corporately, it has happened?
 13 **A. Yes.**
 14 Q. Ultimately -- we have already talked about misconduct in
 15 a public office and you have indicated to us why that
 16 was an offence which wouldn't have been considered in
 17 1992. Can you identify, just briefly -- this is for the
 18 purposes of the public -- roughly what misconduct in
 19 public office is? Is it really what it says on the tin?
 20 **A. Yes, it's where a person who holds public office, and**
 21 **there's been a lot of jurisprudence about what that**
 22 **means, but it means a public official who, holding**
 23 **a responsible public office, wilfully misconducts**
 24 **himself in carrying out that office, ie, does something**
 25 **that they shouldn't do in accordance with their duties.**

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| <p>1 Q. What is wilful misconduct? Is there an element of 2 intent?</p> <p>3 A. It means intentionally, but there is an element, as 4 there often is in wilfully, an element of recklessness 5 as well.</p> <p>6 Q. What do you mean by an element of recklessness? This is 7 for people who don't practise criminal law.</p> <p>8 A. It is quite complicated at the moment, but we have had 9 an ongoing debate in criminal law as to whether 10 recklessness is objective or subjective. But it 11 essentially means someone who recognises that their 12 conduct carries a risk and, having recognised that it 13 carries a risk, you go on to commit it, if that is clear 14 enough.</p> <p>15 Q. Yes -- well, it is as clear as the law is, shall we just 16 put it that way? Whether or not it is clear to members 17 of the general public is another way.</p> <p>18 A. The Court of Appeal have struggled with this over 19 a number of years.</p> <p>20 Q. Okay. Ultimately, there was, as you had foreshadowed, 21 an abuse of process argument, and Peter Ball's defence 22 team argued vigorously that it was an abuse of process 23 to prosecute Peter Ball because of the promise of 24 immunity, and that it was also an abuse of process 25 because Peter Ball was too ill, and that the charges</p> <p style="text-align: center;">Page 73</p> | <p>1 It's always open to the defence to plead. One of 2 the options that they can do is plead to certain counts, 3 and so I understand that there was contact made between 4 leading counsel for Bishop Ball direct to counsel for 5 the Crown, Bobbie Cheema-Grubb QC, as she then was, 6 indicating a willingness on behalf of Bishop Ball to 7 plead guilty to some of the counts on a particular 8 basis.</p> <p>9 Q. We have got details of the, shall we say, discussions 10 that went on, because there are notes that are set out 11 behind tab 3 and tab 4 of your bundle -- chair and 12 panel, it's CPS002269 and CPS002256. I don't think 13 I need to take you through them in any great detail, but 14 just to identify that those are the relevant documents. 15 Is this plea bargaining?</p> <p>16 A. No, it is not plea bargaining, because the Crown will 17 seek to prove the case that they put on their indictment 18 and as set out in their case opening. But it's always 19 open to the defence to agree to plead to some counts. 20 What the Crown have to do is keep the case 21 consistently under review and ensure that the counts on 22 the indictment properly reflect the full nature of 23 the offending as alleged by the prosecution and, if they 24 are going to accept pleas to any counts, the basis on 25 which those pleas are accepted, so what conduct is</p> <p style="text-align: center;">Page 75</p> |
| <p>1 should be dismissed because a bishop wasn't a public 2 officer?</p> <p>3 A. Yes.</p> <p>4 Q. Because I think this was the first time that proceedings 5 had been taken against a clergyman in respect of 6 misconduct in public office?</p> <p>7 A. I don't know that, but it's certainly the only one I am 8 aware of. Whether it is the only one, I don't know.</p> <p>9 Q. Ultimately, Mr Justice Sweeney ruled that a trial should 10 go ahead and that it wasn't an abuse of process?</p> <p>11 A. Yes.</p> <p>12 Q. So after the abuse of process argument, which I believe 13 took almost a year for the abuse of process matter to be 14 dealt with, and that is something which is out of 15 the hands of everyone, that's the court process, 16 in July 2014 the defence team contacted the prosecution 17 to discuss entering guilty pleas on some charges and 18 also decided something called a basis of plea.</p> <p>19 A. Yes.</p> <p>20 Q. Can you tell us, please, what is the process for 21 agreeing pleas between prosecution and defence?</p> <p>22 A. The document in the Crown Court that sets out the 23 prosecution case is the indictment, and it has the 24 various counts on that. It sets out the counts that the 25 prosecution are going to put before the jury.</p> <p style="text-align: center;">Page 74</p> | <p>1 accepted, and the Crown have to ask themselves, do those 2 pleas provide adequate sentencing power to the judge to 3 sentence the individual in accordance with the case that 4 has been put?</p> <p>5 Q. Peter Ball indicated in these documents he would plead 6 guilty to misconduct in public office and two indecent 7 assaults but only on what was known as a basis of plea, 8 so he would accept some things but wouldn't accept 9 others. In particular, he wouldn't accept there had 10 been any mutual masturbation and he wouldn't accept any 11 touching of genitalia. He also didn't agree to plead 12 guilty to charges of indecently assaulting the 13 individuals who were alleged to be under 16 at the time 14 in question, because there were two charges of indecent 15 assault that you had laid. Could you just explain to us 16 what a basis of plea is?</p> <p>17 A. Yes, a basis of plea is a written document, and it's 18 required to be written down, the courts have been very 19 clear about that. It is a written document that sets 20 out what the accused person admits to, the conduct that 21 they admit to, and the precise circumstances of what 22 they say they did that constitutes a guilty plea to the 23 offence.</p> <p>24 Q. Those were the documents -- in fact, that document, the 25 agreed basis of plea, for your information, chair and</p> <p style="text-align: center;">Page 76</p> |

1 panel, and for everybody's, is at CPS003468, behind
 2 tab 22. Maybe, Danny, we can just get that up?
 3 **A. The purpose of that document is so that everyone is very**
 4 **clear what is being --**
 5 Q. No, CPS003468_001. This is the agreed basis of plea.
 6 It is behind tab 22, though, chair and panel. This is
 7 something which is signed -- was signed by both Mr Smith
 8 QC, counsel for Peter Ball, and Ms Cheema-Grubb, as she
 9 then was, now obviously Mrs Justice Cheema-Grubb QC, who
 10 was the prosecution counsel?
 11 **A. The purpose was to make sure there was no**
 12 **misunderstanding, either at the time or later on, as to**
 13 **the precise circumstances of the admissions.**
 14 Q. So we have got here -- there is a guilty plea to
 15 misconduct, indecent assault of A117 and indecent
 16 assault of Graham Sawyer, and not guilty to indecent
 17 assault of Mr Johnson and indecent assault of AN-A2, who
 18 were both the individuals who were under 16. Then the
 19 defendant pleads guilty on the basis of the facts as set
 20 out in the prosecution case summary, and then it is
 21 further accepted by the plea that the defendant, and
 22 then it's got "obtained sexual gratification",
 23 et cetera, et cetera, matters which I read out in my
 24 opening.
 25 **A. Yes.**

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1 Q. If we go to the next page:
 2 "It is agreed that the defendant did not ...
 3 "The plea is plainly confined to conduct whilst the
 4 defendant was in the office of bishop and in respect of
 5 the specific complainants identified in the prosecution
 6 summary."
 7 And it denies -- or it is agreed that "the defendant
 8 did not masturbate any complainant or cause them to
 9 masturbate him or touch the genitalia of any
 10 complainant".
 11 Then the prosecution agrees not to open the
 12 complaints. What does that mean, "not to open the
 13 complaints"? In non-criminal lawyer world, what does
 14 that mean?
 15 **A. It means that when setting out the facts before the**
 16 **judge at the sentencing hearing, the prosecutor,**
 17 **Ms Cheema-Grubb QC, wouldn't refer to these allegations.**
 18 Q. Why? Why would that have been the case? What does it
 19 mean in practical terms if you don't open something?
 20 **A. It means the sentencing judge won't take it into**
 21 **consideration when sentencing because the judge won't**
 22 **have the details of those allegations in front of him or**
 23 **her.**
 24 Q. Then it says:
 25 "The following specific allegations are not

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1 accepted ... and will not be opened regarding certain
 2 complaints."
 3 That's AN108, kissing the complainant on the lips or
 4 offering to masturbate him, and there is no admission of
 5 the defendant identifying that any naked rebaptism took
 6 place whilst the individual was under 18?
 7 **A. Yes.**
 8 Q. Then there are some matters about consensual
 9 relationship in respect of AN-A97 which were seen as
 10 background facts, and the beating, he had not consented
 11 to it, and then it identifies that in respect of AN-A117
 12 and Graham Sawyer.
 13 Does the CPS consider that the basis of plea
 14 reflected Peter Ball's criminality and the nature of his
 15 offending?
 16 **A. Yes.**
 17 Q. Were the allegations of offences against children -- why
 18 weren't they pursued? Because you could still have
 19 pursued those. You have said that they lie on file.
 20 Maybe we should explain for members of the public, what
 21 on earth does "lie on the file" mean?
 22 **A. "Lie on the file" is an application made by the**
 23 **prosecution to the trial judge to say, "We are not going**
 24 **to proceed with these offences. We are not seeking**
 25 **a not guilty verdict. We seek the leave of the judge to**

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1 **allow the counts to lie on file", and the trial judge**
 2 **has to consent to that and, if they don't consent to**
 3 **that, then the Crown have to decide what they are going**
 4 **to do with it, either drop the case or proceed to trial**
 5 **on those allegations.**
 6 Q. So, again, can we come back to the question of why the
 7 matter wasn't pursued as against those who were under 16
 8 at the time?
 9 **A. What the Crown has to do in making the decision on when**
 10 **there are offers of plea is to look at the totality of**
 11 **the offending, look at the accounts on the indictment,**
 12 **the pleas that are being offered, the circumstances in**
 13 **which they are being offered and the circumstances that**
 14 **are accepted about the behaviour that the suspect has**
 15 **agreed that they have taken part in, and the Crown has**
 16 **to ask themselves, given all that, does that provide the**
 17 **trial judge with sufficient sentencing power to sentence**
 18 **the individual on the basis of the case put forward by**
 19 **the prosecution.**
 20 Q. Why did the CPS consider that the pleas gave the court
 21 sufficient sentencing powers? In particular, because
 22 the sentence that could have been levied against
 23 Bishop Ball had those offences against children either
 24 been pleaded guilty to or after trial, there would have
 25 been a greater statutory maximum for those offences.

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1 A. Well, there could have been, but of course what the
 2 trial judge has to do is adopt the principle of totality
 3 and look at the case, the whole case, and essentially
 4 ask himself or herself, on the basis of the prosecution
 5 case that's been put forward and on what has been
 6 pleaded to, what do I think the appropriate sentence
 7 would be for all this offending taken in the round?
 8 It doesn't make any difference sometimes what
 9 individual offences there may be. The judge will form
 10 an opinion on the basis of the offending in total, and
 11 that's what they -- the judge could do under misconduct
 12 in public office, because it constituted a number of
 13 allegations within one count. So the judge was able to
 14 look at all the allegations that had been made and come
 15 to a decision as to, what do I think the appropriate
 16 sentence here would be, and they have to follow the
 17 doctrine of totality.

18 Q. Danny, could you get up CPS002280_001. Chair and panel,
 19 tab 1 of the bundle. This is a note of a telephone call
 20 with Philip Johnson sent on 4 September 2015 to
 21 prosecution counsel and to Simon Drew, who was the
 22 individual -- the lawyer with responsibility for the
 23 case:
 24 "I have just had a two-hour meeting with
 25 Phil Johnson ... he is understandably disappointed that

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1 PB will not plead to his charge and I have recorded his
 2 representations which are verbatim below.
 3 "I am not entirely happy because it denies me the
 4 opportunity to be heard in court.
 5 "The lack of acknowledgement of the truth and not
 6 having my story told and be part of the sentencing
 7 causes me upset and disappointment.
 8 "It feels like there is a denial of the impact of
 9 this case on me over a huge number of years. In
 10 previous cases I have been able to say what I feel by
 11 way of a victim impact statement which is upsetting that
 12 I can't in this case'.
 13 "Phil understood the rationale for why the pleas are
 14 being strongly considered. He did believe that the cost
 15 of a trial would have been a huge factor. However,
 16 I explained that all the professionals involved have
 17 worked tirelessly on this."
 18 You identified earlier that you considered the views
 19 of the victims has to be an important consideration to
 20 any Crown Prosecutor. An inference that could be drawn
 21 from this is that there wasn't appropriate weight given
 22 to the views certainly of Mr Johnson when the decision
 23 was reached?
 24 A. I think we have got to go back to some basic principles,
 25 and the basic principle is that the Crown Prosecution

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1 Service prosecutes on behalf of the public, not on
 2 behalf of the individual victims. So we have to -- if
 3 you like, there is a triangulation of rights between the
 4 suspect, the public and individual victims, and the
 5 Crown Prosecutor has to get the right balance between
 6 all of that.
 7 So the weight that would be given to it, of course
 8 we would consider the reputation -- the representations
 9 that are made by a victim, particularly a victim who has
 10 suffered what we would consider to be sexual abuse. But
 11 it's not determinative. What the Crown Prosecution
 12 Service has to do, what trial counsel has to do, is ask
 13 themselves, do I have sufficient -- pleas and sufficient
 14 accounts that gives the judge adequate sentencing powers
 15 to sentence the suspect properly on the basis of
 16 the case that's been put forward by the Prosecution.
 17 It is a factor that we would take into
 18 consideration. It is a factor that would be given
 19 weight. But it is not determinative.

20 Q. Some people might say it was already a done deal before
 21 Mr Johnson was notified, in that all the toing and
 22 froing between prosecution counsel and defence counsel
 23 as to what pleas would or wouldn't be acceptable had all
 24 taken place in August, and this email and the
 25 conversation is dated on 4 September. So it seems to

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1 have sort of postdated the decision rather than predated
 2 the decision. What would have happened if you had
 3 determined that you should proceed with Mr Johnson?
 4 Would Ms Cheema-Grubb just simply have telephoned or
 5 emailed Mr Smith and said, "I'm terribly sorry, the deal
 6 is off", so to speak, or, "We can't agree a basis of
 7 plea"?
 8 A. I think, if we can't agree the basis of plea, we can't
 9 agree the basis of plea. But Ms Cheema-Grubb QC would
 10 have had in her mind the factors that I have mentioned:
 11 the fact that, had we got pleas to sufficient counts on
 12 the indictment and the circumstances of those admissions
 13 to give the judge adequate sentencing power. I think
 14 she does say in one of the documents, of course, the
 15 decision is ultimately one for the Crown.

16 Q. Can I ask just at the end, what do you think the CPS has
 17 learned from the Peter Ball case, if anything?
 18 A. I think the CPS has -- the CPS in 2018 is a very
 19 different organisation to the CPS in 1992/93. I think
 20 the current phrase is, we have been on a journey as to
 21 how we approach cases involving allegations of a sexual
 22 nature. I have set out, I think, in my statement the
 23 different types of policies we have. We now approach
 24 these cases in a very, very different way. But I think
 25 not only do we approach them in a different way, I think

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1 **the police approach them in a different way, I think the**
 2 **courts approach them in a different way, and I think**
 3 **counsel approach them in a different way.**
 4 **For the CPS, I think we have become more inclusive.**
 5 **We listen to feedback and we really do try to engage**
 6 **with victims to understand the effect of this type of**
 7 **behaviour and particularly the ongoing effect it can**
 8 **have on victims. We have tried, I think, to get our**
 9 **decision making in a way in a different place so we are**
 10 **not governed by some of what we refer to as myths and**
 11 **stereotypes about how particular victims may behave in**
 12 **certain circumstances, because we now understand that**
 13 **what might seem very odd behaviour by victims who have**
 14 **been the victims of sexual abuse can be explained quite**
 15 **properly by the nature of what has happened to them.**
 16 Q. I want in particular to ask you about the fact that
 17 under the Sexual Offences Act there are now a series of
 18 offences in respect of abuse of positions of trust. One
 19 of the things that the inquiry has identified is that,
 20 whilst it is a criminal offence for somebody in
 21 a specified position of trust to have sexual activity
 22 with an individual under 18 or inciting somebody to
 23 engage in sexual activity, including masturbation, or
 24 sexual activity in the presence of someone who is under
 25 18, and that the issue of consent is irrelevant because,

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1 in effect, you're saying it is an abuse of power and
 2 therefore consent is vitiated, but at the moment, that
 3 particular offence doesn't include a member of
 4 the clergy or in fact a member of any religious
 5 organisation. Do you think that that is a lacuna?
 6 **A. Well, I think we have seen -- the nature of this type of**
 7 **offending has gone across many sectors of society. We**
 8 **have seen a number of allegations involving sports**
 9 **coaches. So I think our understanding of how sexual**
 10 **offences happen and who may carry out those sexual**
 11 **offences has developed over years.**
 12 **As our understanding develops, it may be that**
 13 **legislation has to develop to reflect those changes. Of**
 14 **course, ultimately, whether something is subject to**
 15 **legislation is a matter for parliament --**
 16 Q. I know it is not a matter for you, it is matter for the
 17 legislature.
 18 **A. Yes, but if there had been such an offence available to**
 19 **prosecutors, it would have dealt with the question of**
 20 **consent in a way that we weren't able to when dealing**
 21 **with these issues, both in 1992/93 and in 2013.**
 22 MS SCOLDING: Thank you very much. Just before, chair and
 23 panel, I ask you whether or not you have any questions,
 24 I just need to make a point of order, that in relation
 25 to the Northamptonshire investigations, we will today as

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1 well upload the witness statement of DC Charman, which
 2 is at NNP000027 and at paragraph 46 of that in
 3 particular he sets out the investigations he undertook,
 4 including writing to the authors of the letters. That's
 5 just for clarification.
 6 Chair and panel, I have no further questions. Are
 7 there any questions you would like to ask?
 8 THE CHAIR: Ms Sharpling?
 9 Questions by THE PANEL
 10 MS SHARPLING: Thank you, Mr McGill, just a couple from me,
 11 if I may. A general one, to start off with: how would
 12 you characterise the decision of the CPS in 1992 over
 13 the administration of a caution?
 14 **A. Madam, I think it was wrong.**
 15 MS SHARPLING: Thank you. Secondly, in relation to the
 16 basis of plea and the CPS decisions on what pleas to
 17 accept, is that subject to written guidelines?
 18 **A. It's subject to Court of Appeal guidance as to the --**
 19 **there is Court of Appeal authority on the fact that such**
 20 **basis of pleas should always be in writing and signed by**
 21 **both prosecuting and defence counsel.**
 22 MS SHARPLING: The decision on the pleas themselves, is that
 23 a decision based on written guidelines?
 24 **A. Certainly it's based on the Farquharson guidelines for**
 25 **prosecution counsel. There are certainly CPS guidelines**

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1 **and training as to how prosecutors should approach**
 2 **those -- such decisions.**
 3 MS SHARPLING: And, lastly, the decision in 1992 to send the
 4 case to the DPP, were there written guidelines in place
 5 as to where cases should be dealt with in the CPS?
 6 **A. The answer to that is, I'm not sure. I'm sure that**
 7 **there were. I haven't seen them, but I'm sure that**
 8 **there were -- there have always been referral guidelines**
 9 **between CPS areas and CPS central case work divisions.**
 10 MS SHARPLING: If such a copy could be found in relation to
 11 the situation as it was in 1992, perhaps you would be
 12 good enough to send it to the solicitor to the inquiry?
 13 **A. I will make those enquiries.**
 14 MS SHARPLING: Thank you very much, indeed.
 15 THE CHAIR: Thank you. Sir Malcolm?
 16 PROF SIR MALCOLM EVANS: Thank you. I'm not sure if you can
 17 help me with this. In your view, would a bishop or
 18 a member of the clergy in a church other than the
 19 Church of England also be classed as a holder of
 20 a public office?
 21 **A. It depends on the nature of the role that they're**
 22 **carrying out. So it's certainly possible -- certainly**
 23 **in the advice that we have seen -- it depends if they**
 24 **are carrying out public duties. So if they are carrying**
 25 **out marriages, baptisms, it's certainly possible that**

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| <p>1 they could be, yes. So it's certainly possible that</p> <p>2 someone in the Roman Catholic Church could be. It</p> <p>3 depends -- for misconduct in public office, the recent</p> <p>4 jurisprudence indicates you have got to look very</p> <p>5 carefully at the role that the person is carrying out.</p> <p>6 PROF SIR MALCOLM EVANS: Thank you.</p> <p>7 THE CHAIR: We have no further questions. Thank you very</p> <p>8 much, Mr McGill.</p> <p>9 MS SCOLDING: Thank you very much, Mr McGill.</p> <p>10 (The witness withdrew)</p> <p>11 MS SCOLDING: I now pass over to Ms Bicarregui, and we are</p> <p>12 about to hear the evidence of Mr Andrew Nunn. Thank you</p> <p>13 very much.</p> <p>14 MR ANDREW NUNN (affirmed)</p> <p>15 Examination by MS BICARREGUI</p> <p>16 MS BICARREGUI: Mr Nunn, you should have a bundle of</p> <p>17 documents in front of you. There is an "A" and a big</p> <p>18 number "1", and behind that is your witness statement.</p> <p>19 A. Yes.</p> <p>20 Q. Have you had a chance to read through your witness</p> <p>21 statement recently?</p> <p>22 A. I have.</p> <p>23 Q. Your witness statement is I think ten pages long, and</p> <p>24 although your signature is redacted, you will see a date</p> <p>25 there, 19 January. Is this statement still true, to the</p> <p style="text-align: center;">Page 89</p> | <p>1 A. I was, yes.</p> <p>2 Q. Did you then fulfil a similar role for</p> <p>3 Richard Llewellyn, when he became the Bishop at Lambeth?</p> <p>4 A. Yes.</p> <p>5 Q. Mr Nunn, you had a number of roles in those 25 years --</p> <p>6 I have seen managing the correspondence unit, steward of</p> <p>7 Lambeth Palace. I think probably the most helpful thing</p> <p>8 for the chair and panel is that when we look at</p> <p>9 particular periods, we will ascertain which particular</p> <p>10 role you were doing at that time, if you are comfortable</p> <p>11 with that?</p> <p>12 A. Yes.</p> <p>13 Q. Just to give everyone some context about what you knew</p> <p>14 about the Peter Ball affair, in a letter</p> <p>15 in October 2009, which we don't need to turn to, you</p> <p>16 wrote to someone within the church:</p> <p>17 "I have been the person here at Lambeth dealing with</p> <p>18 Bishop Peter Ball's case."</p> <p>19 That's right, isn't it?</p> <p>20 A. That's right. My involvement did wax and wane rather,</p> <p>21 depending on who else was on the staff at the time, but</p> <p>22 I was certainly the most consistent participant in</p> <p>23 dealing with that issue.</p> <p>24 Q. I think in 2013 in a similar letter you described</p> <p>25 yourself, I think, as the member of staff most closely</p> <p style="text-align: center;">Page 91</p> |
| <p>1 best of your knowledge and belief?</p> <p>2 A. It is.</p> <p>3 Q. Mr Nunn, you joined the Church of England in 1980,</p> <p>4 I believe?</p> <p>5 A. I joined the Church Commissioners in 1980.</p> <p>6 Q. And Lambeth Palace in 1992?</p> <p>7 A. That's right.</p> <p>8 Q. When you joined Lambeth Palace, you joined as a general</p> <p>9 correspondence officer?</p> <p>10 A. That's right.</p> <p>11 Q. I believe that you retired from Lambeth Palace in 2017?</p> <p>12 A. That's right.</p> <p>13 Q. So you spent in total 25 years at Lambeth Palace?</p> <p>14 A. Yes.</p> <p>15 Q. For 20 of those years, from 1992 to approximately 2012,</p> <p>16 Peter Ball was a recurring issue?</p> <p>17 A. He was.</p> <p>18 Q. Your first role as general correspondence officer --</p> <p>19 I think that was between 1992 and 1996. In very brief</p> <p>20 terms, what did that entail?</p> <p>21 A. I was working for the public affairs secretary at the</p> <p>22 time, dealing with correspondence from the public and</p> <p>23 the archbishop's secular patronage commitments.</p> <p>24 Q. You then I think, in 1996, were Frank Sargeant's deputy;</p> <p>25 is that right?</p> <p style="text-align: center;">Page 90</p> | <p>1 involved over very many years now?</p> <p>2 A. That's probably true, yes.</p> <p>3 Q. So you are able to help the chair and panel with the</p> <p>4 approach that three different archbishops took to the</p> <p>5 issues to do with Peter Ball?</p> <p>6 A. I shall try, certainly.</p> <p>7 Q. This is the last time I am going to quote you back at</p> <p>8 you, but if we could get up, Danny, ACE005688, it is at</p> <p>9 tab 31 of the bundle, Mr Nunn, if you want to look at it</p> <p>10 there. Danny, if you could get the third paragraph of</p> <p>11 the first email up a bit bigger. This is what you say</p> <p>12 in 2012 in an email:</p> <p>13 "This whole case is a lesson in how one should never</p> <p>14 try to bury things under the carpet. If PB had been</p> <p>15 dealt with properly 20 years ago, the chances are there</p> <p>16 would be no story now and he would sleep peacefully at</p> <p>17 night."</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Is that still your feeling about this issue?</p> <p>21 A. Yes, it is.</p> <p>22 Q. I want to briefly look at how this ended up, in</p> <p>23 Lambeth Palace terms, at least. Danny, ACE003272 -- it</p> <p>24 is at tab 35. This, I imagine, is a fairly standard</p> <p>25 letter which is sent when clergy are disciplined under</p> <p style="text-align: center;">Page 92</p> |

1 the relevant Clergy Discipline Measure; is that right?
 2 **A. Yes, that's right.**
 3 Q. In this case, we see from the first sentence that
 4 Peter Ball was being given a prohibition for life with
 5 effect from 23 December 2015?
 6 **A. Yes.**
 7 Q. That was in relation to his recent conviction?
 8 **A. That's right.**
 9 Q. The inquiry is of course interested, Mr Nunn, in whether
 10 or not disciplinary measures should have been taken in
 11 relation to Peter Ball a lot sooner than this letter in
 12 2016. What's your view on whether or not measures
 13 should have been taken earlier?
 14 **A. I think it would have been desirable and the right thing**
 15 **to have done. Unfortunately, the legislation -- the**
 16 **church's legislation relating to clergy discipline is**
 17 **not very fleet of foot, and so the ability to prohibit**
 18 **somebody is largely dependent on whether they have been**
 19 **convicted in a secular court of a crime, in which case**
 20 **a prohibition can follow on fairly easily, and, clearly,**
 21 **that hadn't happened in Peter Ball's case. A caution**
 22 **was not sufficient. There needed to have been a penalty**
 23 **of imprisonment for the automatic prohibitions to come**
 24 **into force.**
 25 Q. He could have been put on the Bishopthorpe and

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1 Lambeth List?
 2 **A. He could have, yes.**
 3 Q. That didn't happen?
 4 **A. That didn't happen.**
 5 Q. Mr Nunn, we are going to look at a period between 1992
 6 and 2000, first of all. The archbishop at that point
 7 would have been Archbishop Carey?
 8 **A. Yes.**
 9 Q. At that point, you held two roles: as correspondence
 10 officer and as Frank Sargeant's deputy?
 11 **A. Yes.**
 12 Q. As correspondence officer, did you see the letters which
 13 the inquiry has heard a lot about at the end
 14 of December 1992 and the beginning of '93, where
 15 allegations were being made by various authors about
 16 Peter Ball?
 17 **A. Not at that time, no.**
 18 Q. When you became Frank Sargeant's assistant in 1996,
 19 would it be right to say that he was -- we have called
 20 him colloquially a chief of staff. Would it be right to
 21 say that you were deputy chief of staff at that point?
 22 **A. I don't think it would be right to say I was the deputy**
 23 **chief of staff, no. I was certainly his administrator.**
 24 **I was dealing with the office work.**
 25 Q. But you will have been aware of the letter that

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1 Frank Sargeant -- Bishop Frank Sargeant sent out, which
 2 said that Peter Ball should be treated as any other
 3 bishop?
 4 **A. Yes, in response to what Archbishop George said in the**
 5 **House of Bishops.**
 6 Q. You wrote to Chris Smith in January 2005 saying that you
 7 felt that in struggling with the tension that all
 8 bishops experience between pastoral support and the
 9 administration of discipline, Archbishop George tended
 10 too far towards the pastoral. Do you remember that?
 11 **A. Yes -- was it to Chris Smith or was it ...?**
 12 Q. I think it was to Chris Smith. Danny, ACE --
 13 **A. Anyway, I recognise what you -- I have said it to**
 14 **somebody in a memo, yes.**
 15 Q. Probably the better question, rather than looking at the
 16 document, is, does that remain your view of how
 17 Archbishop Carey dealt with the Peter Ball --
 18 **A. Yes, I think very much so, yes.**
 19 Q. Again, we don't need to get this up, I don't think, but
 20 in May 2011, speaking to Elizabeth Hall, you say in
 21 relation to the Peter Ball affair:
 22 "We all know the history here and that the church
 23 has always been vulnerable to criticism regarding it.
 24 Archbishop George Carey acted against and without
 25 advice."

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1 **A. Yes. I wrote that. I was quoting something that**
 2 **someone else had said at the time. I can't remember who**
 3 **now. But it was certainly the view in the office**
 4 **amongst some people.**
 5 Q. What advice do you say he acted against?
 6 **A. I think the advice was that Bishop Peter Ball really**
 7 **ought to have gone on the old Lambeth and Bishopthorpe**
 8 **register so that a signal was sent that -- of**
 9 **disapprobation for what he had done and for what he had**
 10 **received a caution for.**
 11 Q. Do you recall any advice to that effect? Because
 12 I don't think the inquiry has found anything which says
 13 in terms that that should have happened?
 14 **A. I don't. I wasn't involved -- at the time that that was**
 15 **a live issue and under consideration, I wasn't involved**
 16 **in the case and I've certainly never found a document to**
 17 **that effect, no.**
 18 Q. In terms of the consistency of message that came out of
 19 Lambeth Palace in respect of Peter Ball during this
 20 period, there appears -- I will take you to two
 21 documents -- to be a certain lack of consistency in the
 22 way that Peter Ball was treated. So if we look at
 23 ACE003036, which is at tab 16 of the bundle, this is one
 24 of the things that's quite difficult to read out of
 25 context, but without going through a number of lengthy

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1 documents, this is a letter from Archbishop Carey saying
 2 that he's happy for Peter Ball to accept
 3 Richard Morgan's invitation to confirm, to preach,
 4 et cetera, and "of course the same goes for Stowe". We
 5 know that in relation to Richard Morgan we are talking
 6 about Radley, I think.
 7 Then if we can turn, Danny, to ACE001261, which is
 8 at tab 8, this is a note on the file which you put
 9 there:
 10 "Told the Archbishop of Canterbury that
 11 Bishop Peter Ball was booked to do confirmations at
 12 Wellington College on 18 March and Radley College on
 13 20 May.
 14 "The archbishop said that it had never been his
 15 intention that Bishop Peter Ball should do work in
 16 schools."
 17 Do you see that?
 18 **A. Mmm.**
 19 Q. "He instructed that it [I think he means the school]
 20 should be told of the background and that the archbishop
 21 advised that the confirmations should not take place."
 22 Is it fair to say there was a confusing or
 23 contradictory message at times?
 24 **A. Yes, I think it is true to say that.**
 25 Q. There is also an intriguing letter that you received

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1 from Peter Ball -- Danny, ACE003088, which is at tab 23
 2 of the bundle. Danny, if we could highlight the second
 3 paragraph of that letter on the first page. This is
 4 something which Peter Ball sent to you later, in 2009,
 5 and it reads:
 6 "After the police caution and the slaying of me in
 7 the press and my resignation, Archbishop George called
 8 me to him at Canterbury. And sitting in a window
 9 looking out on the cathedral and referring to
 10 Thomas a Beckett, he made a solemn promise that the
 11 church would not take any further action against me
 12 because I had been punished enough. He made it as
 13 a solemn promise and repeated it again when he came here
 14 a few years later. There is no doubt that he made it on
 15 behalf of the church and after a time of discipline
 16 encouraged me to rebuild my life."
 17 Do you see that? You received that letter, and
 18 I think as a result of it you phoned Peter Ball rather
 19 than wrote anything in writing. Did you take a view on
 20 whether or not this solemn promise was likely to have
 21 happened?
 22 **A. I couldn't. I mean, I wasn't present when that was**
 23 **said. I don't know whether that promise was made or**
 24 **not, I'm afraid.**
 25 Q. Did you actually feel that you needed to take any action

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1 as a result of this letter? So consult with legal
 2 advisers or anything of that nature?
 3 **A. I can't remember at this distance, but I don't think so.**
 4 **Bishop Peter used to write with, you know, similar**
 5 **letters quite frequently, and so the picture was**
 6 **constantly evolving and changing in his mind, if not in**
 7 **reality.**
 8 Q. Mr Nunn, I would like to look at the memo that you
 9 cowrote in September 2000. This is at tab 2 of
 10 the bundle. Danny, if you could put up ACE000616. This
 11 is a memo which has both your name and
 12 Richard Llewelin's name on it, who was the Bishop at
 13 Lambeth at this point?
 14 **A. That's right.**
 15 Q. We know from other contemporaneous documentation that
 16 this is your memo, but that Richard Llewelin put his
 17 name to it, and I quote, "to protect you from any
 18 archiepiscopal explosions"?
 19 **A. Yes.**
 20 Q. So you were anticipating, were you, that this memo would
 21 not go down very well?
 22 **A. I was.**
 23 Q. In writing in memo, you had considered all the papers
 24 which were held at Lambeth Palace in relation to
 25 Peter Ball?

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1 **A. Yes.**
 2 Q. You also wrote, I think, a detailed chronology of what
 3 was held on file at the time?
 4 **A. Yes. I mean, it was a chronology to help me, really,**
 5 **because coming in halfway through this case, as it was**
 6 **then, it was very confusing, and so I wanted to get**
 7 **a table of documents we had just to help me, myself,**
 8 **really.**
 9 Q. This is the point then when you did read the letters
 10 which had been received at Lambeth Palace
 11 in December 1992 and 1993?
 12 **A. Yes.**
 13 Q. Did you feel concerned when you read those letters?
 14 **A. Yes. I mean -- but not -- I mean, clearly not so**
 15 **concerned as to do anything about them. Insofar as they**
 16 **had clearly been considered when they had arrived and**
 17 **the decision was taken not to do anything with them.**
 18 **The whole situation surrounding the police**
 19 **investigation in Gloucester and so on was, at Lambeth,**
 20 **very confusing and obscure. I was puzzled by the**
 21 **outcome of the inquiry, I remember, and out of -- you**
 22 **know, in the early days, certainly, without a full**
 23 **working knowledge of the case, I'm afraid I assumed that**
 24 **a conscious decision had been taken and agreed action**
 25 **taken. But clearly not.**

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| | |
|--|--|
| <p>1 Q. You didn't know of any action at the time. For example, 2 you knew he hadn't been put on the Lambeth List at this 3 point? 4 A. That's right. 5 Q. If we could get up INQ000616. If you could highlight 6 the third paragraph. Here, Mr Nunn, you set out, if you 7 like, what you think about the likelihood of 8 the offence, and the second sentence there says: 9 "The balance of probabilities is, however, that 10 Peter Ball is guilty of the offence for which he 11 received a caution." 12 Then you go through various things where he has 13 admitted various offences. A little bit further down, 14 you say: 15 "Seven additional accusations from other men (or on 16 their behalf) are detailed in the file. A private 17 detective ... engaged by the Ball brothers sets out to 18 prove Peter Ball's innocence and to demonstrate that 19 there has been a conspiracy against him. However, he 20 tells Bishop John Yates in February 1993 that he is sure 21 that there is a case to answer." 22 Do you see that? 23 A. That's right. 24 Q. If we can go over onto 002, Danny, I think the reason 25 that you were possibly fearing an archiepiscopal</p> <p style="text-align: center;">Page 101</p> | <p>1 concern about the case up until that point and 2 encouraged me to put it -- set it down in writing and 3 draw that to the archbishop's attention. 4 Q. Archbishop Carey responds -- this is 004, Danny -- 5 thanking you, or, rather, Bishop Llewellyn, for the 6 memorandum: 7 "As I read this carefully, it seems overcritical of 8 me, when I am sure that was not the intention." 9 It goes through various reasons that 10 Archbishop Carey took the actions that he did. We don't 11 need to go through this in detail. You're aware of 12 the contents of this memo, I think. 13 A. Yes. 14 Q. What happened as a result of that was a further memo 15 from Richard Llewellyn, which is at 006 and 007. You're 16 not on this memo, Mr Nunn, but I'm assuming, given your 17 involvement in the initial memo, that you were aware of 18 this response from Bishop Llewellyn? 19 A. Yes. 20 Q. Again, it reiterates concerns about the guilt of 21 Peter Ball. At the very bottom of page 6, it uses the 22 same language: 23 "The file, however, suggests that the balance of 24 probabilities is that Peter was guilty of the offence 25 for which he received an official caution, and that this</p> <p style="text-align: center;">Page 103</p> |
| <p>1 explosion is paragraph 5, where you set out that it 2 seems clear to you from the file that the archbishop has 3 all along believed Peter's version of the events: 4 "... certainly he has given him very generous 5 pastoral support in terms of time and money. Even when 6 Bishop Peter Ball had admitted guilt (by accepting 7 a caution) the archbishop still believed in his 8 innocence and decided not to take any action under the 9 disciplinary procedures of the church." 10 And it goes on. That paragraph is very critical, 11 isn't it, of Archbishop Carey? 12 A. Yes. Yes, it is. Yes. 13 Q. Again, in paragraph 8 -- which is 003, Danny -- you 14 suggest in that paragraph that one might have expected 15 Peter Ball to have been asked to resign and be put on 16 the Lambeth and Bishopthorpe register? 17 A. Yes, I think the comparison with the likely treatment of 18 a parochial clergyman in certain circumstances was, you 19 know, sort of quite clear. 20 Q. Do you still stand by this analysis? 21 A. Yes. 22 Q. What was the purpose, Mr Nunn, of writing this? What 23 did you hope to achieve by setting this out? 24 A. To be honest, I can't remember now why it was written. 25 I think Bishop Richard was aware of my misgivings and my</p> <p style="text-align: center;">Page 102</p> | <p>1 offence was not a totally isolated and one-off incident. 2 There were other complaints, but these were not followed 3 up, and some of them continue to rumble. 4 "[Someone in the church] has recently had 5 a conversation with me about a parent who had come to 6 see him regarding her son whom she said was damaged in 7 some way by the son's association with Peter Ball." 8 Do you see that? So there were still complaints or 9 still concerns which were live at the point of this 10 memo? 11 A. Yes. 12 Q. Were you concerned about these ongoing complaints? 13 A. That specific one, I think, was a conversation between 14 two bishops, so I wasn't aware of it until I read it in 15 that memo. But, yes, it was all very concerning, but, 16 you know, at the time, I wasn't sure -- at that time, 17 the concept of safeguarding hadn't really sort of come 18 into being in the church, certainly; I don't know if it 19 had more generally. And so such things were measured 20 against whether a crime had been committed and someone 21 had been tried and found guilty of it, and clearly that 22 hadn't happened with regard to these other allegations 23 and Peter Ball. 24 Q. It wasn't your view, then, that there should be further 25 investigations at this point?</p> <p style="text-align: center;">Page 104</p> |

1 **A. I wasn't in a position to press that, I felt, at that**
 2 **stage. Later on in the process perhaps I might have**
 3 **been, but I was still fairly -- you know, I was only**
 4 **a middle manager. I mean, that's no excuse, but it**
 5 **was -- you know, it was not something that I felt able**
 6 **to press.**
 7 Q. Bishop Llewelin didn't press this either at this point,
 8 did he?
 9 **A. No.**
 10 Q. I think Lord Carey makes the point in his third witness
 11 statement that neither you nor Bishop Llewelin
 12 suggested that any action be taken as a result of this
 13 memo?
 14 **A. No. At that stage, however -- I mean, I do want to, by**
 15 **and large -- except for that reference, my only**
 16 **knowledge of what had happened was Neil Todd's**
 17 **allegations, which had been investigated by the police**
 18 **in Gloucester and which resulted in a caution.**
 19 **It was only about a fortnight ago I learnt that, in**
 20 **fact, their investigation was far wider than that and**
 21 **that other victims had been discovered during that.**
 22 **I was unaware of that until two weeks ago.**
 23 Q. You were aware of the additional letters to
 24 Lambeth Palace at this point, weren't you?
 25 **A. Indeed.**

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1 Q. Because you had read those?
 2 **A. Yes.**
 3 Q. What you are describing is the extent of
 4 the Gloucestershire Police investigation at that time?
 5 **A. That's right, yes.**
 6 Q. Is it right to say that nobody in Lambeth Palace was
 7 aware of the extent of that?
 8 **A. That's right.**
 9 Q. I don't know if this is a question for you, Mr Nunn, but
 10 I think there was certainly the possibility that if the
 11 church had reviewed those letters, and in particular
 12 a letter from the Bishop of Ely about what had happened
 13 in Cambridgeshire, they might have been more aware, but
 14 that wasn't something which you were involved in at that
 15 point?
 16 **A. It wasn't, no.**
 17 Q. Again, Bishop Llewelin in his witness statement says
 18 that he sincerely regrets that the memo didn't advise
 19 any action, but I think you have said that you didn't
 20 feel that you could press that at that point?
 21 **A. No. The archiepiscopal explosions were -- I felt**
 22 **slightly proud of myself for saying what I did do. It**
 23 **wasn't really for me to tell the archbishop what he**
 24 **ought to do. But, yes, in retrospect, of course**
 25 **I regret it. Of course.**

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1 Q. We are moving on a little bit in time now to look at the
 2 period immediately after 2000. Following that memo,
 3 I think it is right to say, looking at the documents,
 4 that there wasn't a change of approach in the way that
 5 Peter Ball was dealt with from Lambeth Palace. That's
 6 right, isn't it?
 7 **A. Yes.**
 8 Q. Just by way of seeing what was being said at that time,
 9 if we could get up ACE026342. This, Mr Nunn, is at
 10 tab 42, if you want to have it in hard copy. This is
 11 a memo recording a conversation with you, and it sets
 12 out -- we don't need to go to the context of this in
 13 some senses but, effectively, there was a question mark
 14 about whether or not Peter Ball should be made an
 15 assistant bishop at certain points in the Diocese of
 16 Bath and Wells?
 17 **A. Yes.**
 18 Q. There was also another question about whether or not he
 19 should have PTO in that diocese.
 20 Am I right in saying that this memo records that you
 21 effectively were holding the status quo at this point,
 22 so you were saying that the status was that he should be
 23 treated as any other bishop, which we have touched upon,
 24 which was the statement that Archbishop Carey had made
 25 to the House of Bishops?

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1 **A. Yes.**
 2 Q. You also say in point 2:
 3 "He has been doing confirmations at some schools
 4 which Bishop Peter Ball says was agreed by the
 5 archbishop in a telephone call in March 1996 and a
 6 subsequent letter of 18 March. Andrew Nunn [you] thinks
 7 this letter may have been a bit loosely drafted. Thinks
 8 it probably best to accept this situation at present."
 9 Am I right in saying that you were essentially just
 10 maintaining the status quo at this point?
 11 **A. Yes, indeed it was, which is not to say that I thought**
 12 **the status quo was where the church ought to be.**
 13 Q. But you didn't feel, am I right, that you could press
 14 this? Is that your evidence on that point?
 15 **A. The Archbishop of Canterbury had told the House of**
 16 **Bishops that that was what the status quo was going to**
 17 **be. I didn't feel I could contradict him.**
 18 Q. Am I right -- I think I'm right -- that Archbishop
 19 Rowan Williams took up his post in around December 2002?
 20 **A. Yes.**
 21 Q. You remained at Lambeth Palace?
 22 **A. That's right.**
 23 Q. I think you're described at that point as a lay
 24 assistant to the archbishop?
 25 **A. That was earlier. I think I was the -- I'm not sure**

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1 **what I was called at that stage: the premises and**
 2 **administration secretary, possibly, because I had some**
 3 **responsibilities for the maintenance of the house.**
 4 Q. You didn't at that point, did you, advise Archbishop
 5 Rowan Williams about the contents of Peter Ball's file
 6 at Lambeth?
 7 **A. When he, I think, first arrived, I briefed him on what**
 8 **I did, but it happened to be during a period when**
 9 **Peter Ball had gone quiet, and so there was no current**
 10 **activity to be -- for him to be briefed on.**
 11 **If you look at your chronology, the big chronology**
 12 **which you have, you will find that there is at that**
 13 **particular time not very much happening with regard to**
 14 **Bishop Ball.**
 15 Q. We have Archbishop Rowan Williams' witness statement,
 16 and certainly in that statement he says very clearly,
 17 "I didn't know anything about the substance of this
 18 until 2008"?
 19 **A. Right.**
 20 Q. So that was the first time that --
 21 **A. That may well be the case, yes.**
 22 Q. So there was correspondence about Bishop Peter Ball
 23 during this time, but it's clear that your evidence is
 24 that you didn't feel that you needed to bring it to
 25 Archbishop Rowan Williams' attention at that point?

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1 **A. I didn't do so, no.**
 2 MS BICARREGUI: Chair, I am conscious of the time. I'm
 3 about to move on to another topic, so it may be that
 4 this is a good time to have a break.
 5 THE CHAIR: Yes, we will take the lunchbreak and return at
 6 2.00 pm. Thank you.
 7 MS BICARREGUI: Mr Nunn, you are still on oath, so you
 8 mustn't discuss your evidence with anyone.
 9 **A. Fine.**
 10 **(1.00 pm)**
 11 **(The short adjournment)**
 12 **(2.00 pm)**
 13 MS BICARREGUI: Just before lunch we had got to about 2002.
 14 Just briefly to recap, there was the memo that you wrote
 15 in 2000 and we talked about the fact that after that
 16 there was essentially a sort of status quo as to what
 17 was in place as far as you were concerned.
 18 **A. That's right.**
 19 Q. However, there was a question in 2003 about whether or
 20 not Peter Ball should be licensed as an assistant bishop
 21 in the Diocese of Bath and Wells; do you recall that?
 22 **A. Yes.**
 23 Q. You were opposed to that licence, weren't you?
 24 **A. Yes.**
 25 Q. You wrote a memo, I think -- ACE00134, which is at

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1 tab 10. Here, if we could look at the third paragraph:
 2 "From his most recent 21 August 2003 letter it is
 3 clear that Bishop Peter is still not reconciled to the
 4 events of the past. He seems consistently preoccupied
 5 with revising history and vindicating himself. For that
 6 reason, if no other, I would urge caution with regard to
 7 licensing him as an assistant bishop in the Diocese of
 8 Bath and Wells. A licence would imply that he is in
 9 good standing within the church."
 10 Do you see that?
 11 **A. That's right.**
 12 Q. As far as you were concerned, this was a step further
 13 than the PTO that he already had?
 14 **A. Yes.**
 15 Q. I think from this memo, would you agree that you have
 16 moved to a position where you are advising the
 17 archbishop about certain steps that he may wish to take?
 18 **A. Yes. I can't remember exactly what the staffing**
 19 **position was at this stage, but I'd fill the vacuum if**
 20 **there was no-one else to do it.**
 21 Q. This is the position that you were taking, but there
 22 were some others, I think, in the church at this time
 23 who were taking a harder-line position, if you like, in
 24 relation to Peter Ball. I'm referring to the position
 25 of John Rees who was the provincial registrar.

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1 **A. Yes.**
 2 Q. If we could turn to tab 43 -- WWS000206. This is
 3 a letter we see written to the archbishop from
 4 John Rees. John Rees I think is the successor to
 5 Frank Robson, so advising on legal matters. What he
 6 says is in the middle paragraph:
 7 "I think it would be a major mistake for the Bishop
 8 of Bath and Wells to give Bishop Peter any public
 9 profile within his diocese, or for you to indicate that
 10 you would support Bishop Peter in finding a way back
 11 into public ministry in the Church of England."
 12 Do you see that?
 13 **A. Yes.**
 14 Q. So this is a case, isn't it, that he shouldn't really be
 15 performing any public ministry at all, not just being an
 16 assistant bishop?
 17 **A. That's correct.**
 18 Q. But that wasn't the position that you were taking at
 19 this time?
 20 **A. No, I was still trying to hold the status quo and not --**
 21 **which is not to say that I supported the status quo,**
 22 **but, you know, I didn't want to see that extended any**
 23 **further. John was clearly willing to advise the**
 24 **archbishop that he should row back from what the**
 25 **situation had been.**

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1 Q. What was stopping you at this point, Mr Nunn,
 2 challenging the status quo?
 3 **A. Nothing, other than it -- I mean, I -- it wasn't my**
 4 **position to challenge the status quo. I mean, the**
 5 **archbishop's principal legal adviser, John Rees, was in**
 6 **a position to do that, and the archbishop, with the**
 7 **advice of his brother bishops, particularly the Bishop**
 8 **of Bath and Wells, would come to his own decision.**
 9 Q. We are going to look at the Mellows review, which is
 10 2008. At this point, I think you are the premises and
 11 administration secretary?
 12 **A. Yes.**
 13 Q. What does that mean, Mr Nunn?
 14 **A. The steward at Lambeth Palace who lived in the building**
 15 **was ill and unable to discharge his duties, and so**
 16 **I took over his role in addition to everything else**
 17 **I was doing.**
 18 Q. If we could get up, Danny, ACE005105. This is behind
 19 tab 17. This is an email you wrote to Professor Mellows
 20 in May 2008. If we could look about a third of the way
 21 through the first paragraph, it begins:
 22 "There is one file that is of very considerable
 23 concern; that relating to Bishop Peter Ball, formerly
 24 Bishop of Gloucester. The way in which the matter (you
 25 may recall that Bishop Ball accepted a police caution

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1 for gross indecency ...) was dealt with in terms of
 2 church discipline by Archbishop George Carey has been of
 3 concern to a number of us here for a long time. There
 4 are also a number of allegations against other priests
 5 that have not (as far as we know) been pursued."
 6 You are still at this point registering your concern
 7 about the Bishop Peter Ball file. Was this the point at
 8 which you brought it to the attention of Archbishop
 9 Rowan Williams?
 10 **A. I can't remember if this was the precise moment. It was**
 11 **around this time, certainly.**
 12 Q. A little bit later in the same memo, in the second
 13 paragraph, you say:
 14 "Given the sensitivities, however, and for
 15 Lord Carey's sake, we need a calm and sober head for
 16 this job, as well as a clear legal mind."
 17 What did you mean when you said "for Lord Carey's
 18 sake"?
 19 **A. Well, I had worked for him. I was still, you know,**
 20 **loyal to him. He gave me the job originally. So, you**
 21 **know, it needed -- the truth needed to be established**
 22 **rather than just a knee-jerk reaction to what many saw**
 23 **was an inadequate response, probably myself included.**
 24 Q. So this wasn't an attempt to have somebody who wouldn't
 25 shine too bright a light on what happened --

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1 **A. No, not at all. Professor Mellows was not going to be**
 2 **somebody who could be persuaded one way or the other in**
 3 **that sort of way.**
 4 Q. We understand from the documents that Archbishop
 5 Rowan Williams had a copy of the Mellows review
 6 in December 2008.
 7 **A. Yes.**
 8 Q. But you didn't see it at that point, did you?
 9 **A. No.**
 10 Q. In fact, you chase up a copy of that report. Danny, if
 11 we could get up ACE005134. This is behind tab 37. The
 12 second paragraph of the second email. This is from you:
 13 "My anxiety is that by giving him a copy of your
 14 report, you will think that the archbishop will pass it
 15 on to me with instructions about progressing your
 16 recommendations. Wrong. My guess is that your report
 17 is now buried deep in the Augean Stables of his office,
 18 lost and gone forever."
 19 Do you see that? Then the next paragraph, you say:
 20 "Of course I may be criticised in your report for my
 21 part in the whole business, albeit a small walk-on
 22 part."
 23 What did you think you might be criticised for at
 24 this point?
 25 **A. I didn't honestly think that I had been, but**

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1 **I recognised it was a possibility. I didn't know what**
 2 **they might find.**
 3 Q. Kate Wood, who at that point was advising on
 4 safeguarding, also chased up a copy of the report. Her
 5 concern was that any other individual whose file had
 6 been reviewed and a forensic risk assessment had been
 7 recommended, which was one of the recommendations, would
 8 have had that passed on to the diocese in question,
 9 whereas in this case that hadn't happened. Do you think
 10 Kate Wood was right that somehow the Peter Ball file was
 11 different?
 12 **A. It was different insofar as it was a file concerning**
 13 **a bishop and the proceedings under the Clergy Discipline**
 14 **Measure, or its predecessor, would go to the archbishop**
 15 **of the province for consideration, not to the diocesan**
 16 **bishop. So to that extent, it would go to the**
 17 **archbishop for consideration.**
 18 Q. I think that wasn't quite what Kate Wood had had in
 19 mind. I think she thought the diocese where the person
 20 in question was living at that point would normally be
 21 very quickly told if a risk assessment was needed and
 22 that somehow this was not happening as quickly as it
 23 should have done in this case?
 24 **A. I had no previous experience of risk assessments to**
 25 **individuals within a diocese, so I don't know the answer**

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1 **to that, I'm afraid.**
 2 Q. Let's look at the risk assessment process quickly.
 3 ACE001478. This is behind tab 22. This is a letter
 4 from you to Fiona Gardner?
 5 **A. Yes.**
 6 Q. In the first paragraph:
 7 "Thank you for your call earlier today. I enclose
 8 the correspondence requested."
 9 Pausing there, that correspondence is the letters
 10 received at Lambeth in December 1992 and January 1993?
 11 **A. Yes.**
 12 Q. "I am doing so in strict confidence for the use of
 13 the risk assessor engaged by the Diocese of
 14 Bath and Wells to look at Peter Ball's case. If any of
 15 this correspondence is to be used in further proceedings
 16 against Bishop Peter Ball or disclosed to other parties,
 17 clearly the permission of the authors needs to be
 18 sought."
 19 So you are setting the way in which it needs to be
 20 used. Then you write:
 21 "I confess to qualms about disclosing this to you
 22 and I am quite sure that John Rees, the provincial
 23 registrar, would be cross and rap me over the knuckles
 24 for doing so. It seems to me, though, that we are in
 25 the unsatisfactory situation we are with this case

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1 precisely because of a too nice propriety with regard to
 2 sharing information. I am therefore unrepentant."
 3 **A. Yes, that's what it says.**
 4 Q. The question is, do you still stand by that? What did
 5 you mean by, "We are in this unsatisfactory situation
 6 because of a too nice propriety with regard to sharing
 7 information"?
 8 **A. One of -- the review of past cases commissioned by the**
 9 **House of Bishops in 2008, one of the things that it**
 10 **revealed was that there was a lot of information out**
 11 **there in the church, in dioceses and other places, but**
 12 **that it wasn't being brought together, it wasn't being**
 13 **put together, so that the patterns and the wrongdoing**
 14 **didn't actually emerge clearly from the information we**
 15 **had. And so it seemed, you know, that it was not being**
 16 **helpful to keep information locked away in cabinets and**
 17 **not let other people know what we had.**
 18 Q. You shared the letters and those were given to the
 19 assessor; that's right, isn't it?
 20 **A. As far as I know, yes.**
 21 Q. You didn't have any further input into the risk
 22 assessment process?
 23 **A. No.**
 24 Q. There is one other email exchange with Fiona Gardner
 25 I want to touch on that you had in 2010, when there was

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1 some suggestion that Peter Ball was going to move and
 2 live in a barn of a family. I'm not going to mention
 3 that family's name. I don't think it is necessary.
 4 I am not going to get up the document for that reason as
 5 well. I am going to read to you, though, something that
 6 you wrote, again --
 7 **A. Right.**
 8 Q. -- in respect of that. You wrote that the church's
 9 intervention was beginning to feel like persecution of
 10 Peter Ball. Do you recall that?
 11 **A. Yes, I do.**
 12 Q. The context of that was, I think, that the church had
 13 been intervening with the family to say, "You may not
 14 want to let Peter Ball rent your barn". Do you recall
 15 that?
 16 **A. Yes.**
 17 Q. You went on to say that the alleged offences on file and
 18 the one for which he was cautioned were "not of the most
 19 serious sort". That's a quote.
 20 **A. Yes.**
 21 Q. "There was a betrayal of trust by a man in a position of
 22 authority but changes in the law would now put those
 23 involved over the age of consent and no offence would
 24 have been committed."
 25 **A. Yes.**

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1 Q. You say there, I think, that these are not "offences of
 2 the most serious sort"?
 3 **A. Yes.**
 4 Q. Do you stand by that assessment?
 5 **A. Yes. I mean, insofar as not being a lawyer,**
 6 **I understand the hierarchy of these things. There had**
 7 **been no penetration, as far as I know. There may have**
 8 **been, but I wasn't aware if there had been. And the**
 9 **victims were adults or adolescents, rather than children**
 10 **and, to that extent, I thought they weren't of the most**
 11 **serious sort.**
 12 Q. Is it easy to square, then, your unease, if you like,
 13 about how Peter Ball was treated with your feeling that
 14 his offences were "not of the most serious sort"?
 15 **A. Treated by the church, you mean?**
 16 Q. Yes.
 17 **A. Yes, I think so. I mean, gross indecency is**
 18 **a significant offence and, as I said earlier, I was**
 19 **comparing the treatment he received to the treatment**
 20 **a parochial clergyman would receive in similar**
 21 **circumstances.**
 22 Q. You were also involved in a consolidation of
 23 Peter Ball's files, weren't you --
 24 **A. Yes.**
 25 Q. -- which took place in 2012. If we could get up another

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1 memo, Danny, ACE001817, behind tab 36. This is your
 2 memo to the Archbishop of Canterbury, with various
 3 people copied in. At paragraph 3, you say:
 4 "Whatever, the clouds are gathering around
 5 Peter Ball and we need to prepare ourselves for the
 6 inevitable storm."
 7 Do you see that?
 8 **A. Yes.**
 9 Q. Over the page, 002, paragraph 11:
 10 "Marie and I ..."
 11 "Marie" being the public affairs --
 12 **A. The press officer at the time.**
 13 Q. "Marie and I are now clear that too much has been swept
 14 under the carpet for too long: the furniture in this
 15 particular room will no longer stand steady and may be
 16 about to topple. We feel quite strongly that for your
 17 own reputation you need to take the initiative and
 18 pre-emptive action."
 19 Do you see that?
 20 **A. (Witness nods).**
 21 Q. It does appear that this decision to get all of
 22 the files from Lambeth Palace was the result of external
 23 factors, if you like: you knew there was a journalist
 24 interested and the police were expressing interest?
 25 **A. Yes.**

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1 Q. Is it fair to say action is only taken when external
 2 forces become overwhelming?
 3 **A. Yes, I think that -- I mean, it is the catalyst, yes.**
 4 Q. Is it fair to say that this tends to have rather an
 5 emphasis on sort of reputational factors rather than
 6 sort of truth seeking?
 7 **A. Certainly that's the interpretation you could put on it,**
 8 **yes. I mean, it's -- one is responding to what is going**
 9 **on around and about in this particular case -- in any**
 10 **case, I suppose, at that particular time. It is not**
 11 **a proactive process, certainly.**
 12 Q. Again, looking back, would it have been better handled
 13 if Lambeth Palace had asked sooner for all of the files
 14 from Chichester and Gloucester and Bath and Wells?
 15 **A. Yes, hindsight is a wonderful thing.**
 16 Q. Just something about your safeguarding responsibilities
 17 and training, Mr Nunn. As I understand it from your
 18 witness statement, which will be published on the
 19 website, for quite a long period at Lambeth Palace you
 20 were responsible for writing back to people who wrote --
 21 **A. Yes.**
 22 Q. -- to the three archbishops with complaints and
 23 allegations. It also seems from your witness statement
 24 that you received very little training in how to deal
 25 with that correspondence; is that right?

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1 **A. That's right.**
 2 Q. I think in your witness statement you say you did ask
 3 for training on some occasions but it wasn't
 4 forthcoming?
 5 **A. That's right.**
 6 Q. At this point, just, again, for the chair and panel's
 7 sake, there was no safeguarding adviser at
 8 Lambeth Palace, was there?
 9 **A. That's right.**
 10 Q. I think Kate Wood, from about 2008, was there on
 11 a part-time basis?
 12 **A. Yes, that's right.**
 13 Q. Did you feel equipped to deal with the letters that were
 14 coming in at this time?
 15 **A. No.**
 16 Q. When you asked for safeguarding training and that wasn't
 17 forthcoming, are you aware why that didn't happen at any
 18 point?
 19 **A. No, I don't know why it didn't happen. But I also knew**
 20 **I was getting fairly close to the end of my time at**
 21 **Lambeth, so it's not something that I -- and also, of**
 22 **course, by then a professional safeguarding adviser was**
 23 **on the staff, and so to that extent, my responsibilities**
 24 **came to an end.**
 25 Q. That was 2016, I think, when --

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1 **A. Yes.**
 2 Q. Now that person is charged with responding to
 3 correspondence in that way?
 4 **A. Yes.**
 5 Q. As I said at the beginning, you were at Lambeth Palace
 6 for the time of three archbishops?
 7 **A. Yes.**
 8 Q. You say in your statement, and I think you have accepted
 9 this anyway, that the victims and survivors of
 10 Peter Ball were not dealt with appropriately at the
 11 time. Do you still have that view?
 12 **A. Yes, I think so. I mean, one of the difficulties was,**
 13 **we didn't -- well, we knew some of the survivors, but**
 14 **not all of the survivors. We were not aware of them,**
 15 **and so -- no, obviously they weren't dealt with**
 16 **properly.**
 17 Q. In your interview with Dame Moira Gibb, you say that you
 18 were always confident in Archbishop Rowan Williams'
 19 response to this type of situation in a way that you
 20 never were with Archbishop Carey?
 21 **A. Yes.**
 22 Q. Is that something which you still --
 23 **A. Yes, I think that's -- there was a generational change.**
 24 **I mean, Archbishop George was of a previous generation**
 25 **and, to begin with, was being advised by people who were**

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1 even of an older generation than that. Archbishop Rowan
 2 was far more, you know, of the current -- knew the
 3 current climate and how to respond in a way which was
 4 appropriate in this day and age, yes.
 5 Q. Is that even more true, then, of the last archbishop,
 6 Archbishop Justin Welby?
 7 A. Certainly, yes.
 8 Q. You say in the case of Archbishop Justin Welby that he
 9 became increasingly involved in individual cases and
 10 that he personally wrote to victims?
 11 A. Yes.
 12 Q. That was a change as well?
 13 A. Very much so, yes.
 14 Q. Is that purely down to a sort of shift in attitude or is
 15 that something else as well?
 16 A. There was a protocol certainly in place whereby people
 17 who wrote in about this issue were referred to the
 18 diocese in which the abuse took place or where the
 19 clergyman, the abuser, was resident, and part of my
 20 job -- an unhappy part of my job -- was always to try to
 21 push the correspondence in the right direction so that
 22 someone appropriate in the appropriate diocese was
 23 dealing with it. They could give it the time and
 24 attention that they -- you know, that it deserved and
 25 that the archbishop certainly would wish. So it was to

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1 that extent pragmatic, as much as anything.
 2 Q. Of all the people we are hearing from from
 3 Lambeth Palace, you had the longest and the most
 4 detailed understanding of Peter Ball's interactions with
 5 the church. What's your verdict, Mr Nunn, on how
 6 Lambeth Palace dealt with the Peter Ball issue?
 7 A. I think it was lacking. I think it was of its time, of
 8 its period. I think it's -- the good thing that has
 9 come out of it is not only this inquiry, but also the
 10 transformation in the way such things are dealt with at
 11 Lambeth Palace and in the church.
 12 Q. Does anything about the way that you managed matters
 13 give you pause for thought?
 14 A. Oh, yes, inevitably, of course. But I was untrained in
 15 such things. Yeah, no, I mean, it was -- one never does
 16 well enough in this field.
 17 MS BICARREGUI: Thank you, Mr Nunn. Chair and panel,
 18 I don't have any further questions for this witness.
 19 THE CHAIR: Thank you, Ms Bicarregui.
 20 Questions by THE PANEL
 21 THE CHAIR: Could I ask you, Mr Nunn, about the perfect
 22 storm that was described to us by Lord Carey
 23 in December 1992. Would you like to give us your view
 24 of what that comprised?
 25 A. I wish I could, but I wasn't involved at all. I was

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1 aware that there was a storm raging around my head,
 2 above my head, but I was dealing with other things.
 3 I was only aware that people were running into rooms for
 4 meetings. I wasn't involved at all, I'm afraid, at that
 5 stage.
 6 THE CHAIR: But do you recognise that the Peter Ball issues
 7 were part of that storm?
 8 A. Oh, yes. I mean, I knew that that was an issue.
 9 I mean, I only had to read the newspaper to know that it
 10 was -- that's what was going on. But I wasn't party to
 11 any of the conversations about it.
 12 THE CHAIR: No, I understand that. But what were the other
 13 components of the perfect storm?
 14 A. I'm not sure. I don't know. I'm afraid you would have
 15 to ask Lord Carey. I don't know what he meant by that.
 16 THE CHAIR: You didn't have any knowledge of what other
 17 components there might have been --
 18 A. No.
 19 THE CHAIR: -- and, indeed, whether any of them were
 20 interrelated?
 21 A. No, I didn't.
 22 THE CHAIR: I see. Thank you. Moving on to something
 23 Ms Bicarregui asked you about, were you aware of any
 24 discussions at Lambeth Palace that considered the duty
 25 of care and/or reparation which might be owed to victims

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1 and alleged victims?
 2 A. At the beginning of this?
 3 THE CHAIR: Throughout your period, really.
 4 A. Throughout -- towards the end, certainly there were lots
 5 of discussions about that, and more significantly money
 6 to actually put into action. For most of my time at
 7 Lambeth Palace, there was just no money, which is why
 8 I ended up having to deal with it, because there was
 9 no-one else who had enough time to do it. So at the
 10 beginning, no, is the answer to your question; towards
 11 the end, very much yes.
 12 THE CHAIR: The language you used about burying things under
 13 the carpet, et cetera, what's your interpretation of
 14 the motivation for burying things under the carpet and
 15 recognising there may be more than one form of
 16 motivation?
 17 A. It was a fairly common reaction of the church to clergy
 18 wrongdoing. The motivation, I suppose, was a fear of
 19 publicity and loss of reputation. I mean, that was --
 20 I mean, it was fairly obvious, really. That's what was
 21 feared.
 22 THE CHAIR: The question of Peter Ball's guilt or innocence
 23 was not part of that?
 24 A. Well, it's complicated. He clearly was guilty, but the
 25 problem was, the archbishop at the time didn't want to

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1 **believe that he was, and so there was inherent tension**
 2 **and dissonance there between facts and the way it was**
 3 **presented, which made life, for those of us who had to**
 4 **manage that, very difficult indeed.**
 5 THE CHAIR: That accounts for the inconsistencies, to use
 6 your words, and potential ambivalence that seemed to
 7 surround the issue?
 8 **A. It could well have done, yes.**
 9 THE CHAIR: Thank you very much. Mr Frank?
 10 MR FRANK: If I may, in your role as archbishop's
 11 correspondence secretary, you had some dealings with the
 12 documentation that was produced by the archbishop and
 13 files that were created on his behalf?
 14 **A. As the correspondence secretary, most of**
 15 **the documentation I dealt with were letters from the**
 16 **public, and certainly from Archbishop Rowan's time we**
 17 **established a database and everything which came into**
 18 **the building was logged. It was scanned so that we had**
 19 **an electric copy and it was dealt with.**
 20 **Before then, it was not quite as certain, but after**
 21 **that, anything addressed to the Archbishop of Canterbury**
 22 **would go through my office.**
 23 MR FRANK: In terms of the Peter Ball file, which I think
 24 you had responsibility for collating, or at least making
 25 available to others after it had been collated --

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1 **A. Yes.**
 2 MR FRANK: -- did you actually collate it yourself?
 3 **A. Yes.**
 4 MR FRANK: As I understand it, the file consisted of nine
 5 separate parts or files?
 6 **A. It grew like Topsy.**
 7 MR FRANK: Yes.
 8 **A. It was enormous. Particularly after we called in all**
 9 **the separate bits from the dioceses, much of which was**
 10 **duplicate material.**
 11 MR FRANK: I understand that. When you collated it, did you
 12 keep an index of what you had received?
 13 **A. No. I mean, the collated -- the file was in strict date**
 14 **order until policemen and other people went through it**
 15 **and disarranged it, and then -- so there was no index of**
 16 **what was there, but by reference to other documents, it**
 17 **was very easy to find something.**
 18 MR FRANK: The file certainly went back to December 1992,
 19 did it not?
 20 **A. Yes.**
 21 MR FRANK: Yes. Because we know that in your note that you
 22 produce on 4 September you refer to a document dated
 23 17 December 1992, which is a note penned by
 24 Archbishop Carey to Peter Ball.
 25 **A. Yes.**

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1 MR FRANK: So it went back certainly to December, and
 2 17 December. What I want to ask you about, please, is
 3 the minute of a meeting that took place on 15 December,
 4 so two days before that, which was in the file, which
 5 was attended by Frank Robson, who was the registrar and,
 6 we have seen, kept meticulous notes of meetings that he
 7 attended. I wonder if you can help us as to whether you
 8 have ever seen the minute of that meeting?
 9 **A. I can't be sure. There were -- there was a meeting in**
 10 **Oxford concerning this.**
 11 MR FRANK: This was not a meeting in Oxford. There was
 12 a meeting at Lambeth Palace to which Peter Ball had been
 13 summoned by Lord Carey.
 14 **A. I'm not sure, but I don't think that I have ever seen**
 15 **that document.**
 16 MR FRANK: If it had been a minuted meeting of a meeting
 17 between the archbishop and Peter Ball, would you have
 18 expected it to be in that file?
 19 **A. Yes.**
 20 MR FRANK: Can you help us as to where you might look for it
 21 if it is not in the file?
 22 **A. No. I mean, I -- if it is not there, then it could be**
 23 **anywhere, if it still exists.**
 24 MR FRANK: Can you think of any circumstances why it might
 25 not be in the file?

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1 **A. Because someone has taken it out, obviously. I mean,**
 2 **I don't know, I'm sorry.**
 3 MR FRANK: There is no record that you ever had of its
 4 existence?
 5 **A. No.**
 6 MR FRANK: Thank you very much. That's all I ask.
 7 THE CHAIR: Thank you. Ms Sharpling?
 8 MS SHARPLING: Thank you, Mr Nunn, just a couple of
 9 questions. In your witness statement at paragraph 11,
 10 you talk about -- I will read it to you:
 11 "From January 1, 2006, to the beginning
 12 of December 2017, I believe that approximately 39 names
 13 were added to the list because of offences against
 14 children."
 15 **A. Yes.**
 16 MS SHARPLING: Does that -- you may not know, Mr Nunn, but
 17 do the offences refer to convictions?
 18 **A. I can't answer that surely and accurately. I suspect**
 19 **the number may refer to cases in the Province of**
 20 **Canterbury, not also in the Province of York, because**
 21 **I have seen a higher number relating to that.**
 22 MS SHARPLING: Do you know how many are on the combined
 23 list?
 24 **A. Not off the top of my head here, no. No. Of course,**
 25 **it's very often very difficult to know why someone is on**

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1 **the list. Out of a nice sense of discretion, bishops**
 2 **sometimes describe the offence and -- in fairly vague**
 3 **terms -- "conduct unbecoming". Well, everyone on the**
 4 **list is guilty of conduct unbecoming in some way or not.**
 5 **It is only if you dig below the surface you find cases**
 6 **of offences against children so it is quite a difficult**
 7 **and complicated business to actually get that statistic**
 8 **for you, I'm afraid.**
 9 MS SHARPLING: Thank you, Mr Nunn. Secondly, should
 10 Bishop Peter Ball -- should Mr Ball's name have appeared
 11 on that list at some point?
 12 **A. I would have said so, yes.**
 13 MS SHARPLING: The fact that he had apparently resigned
 14 after the caution, would that have made any difference?
 15 **A. None at all.**
 16 MS SHARPLING: Thank you, Mr Nunn.
 17 THE CHAIR: That's all. Thank you very much, Mr Nunn.
 18 **A. Thank you.**
 19 **(The witness withdrew)**
 20 MS BICARREGUI: Chair, we are now going to hear the evidence
 21 of the Reverend Dr Ros Hunt.
 22 REVEREND DR ROS HUNT (sworn)
 23 Examination by MS SCOLDING
 24 MS SCOLDING: Good afternoon. I will call you the Reverend
 25 Dr Hunt, if I may.

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1 **A. Okay.**
 2 Q. Just a few preliminary matters. Firstly, we can stop at
 3 any time and for any reason. Just let me know if you
 4 need a break.
 5 Secondly, this isn't a test of memory. You are
 6 obviously allowed to refer to your witness statement and
 7 to any other documents or notes you may well have
 8 prepared, and please feel free to do so.
 9 Thirdly, there is a written bundle in front of you,
 10 but there is also a screen that you will have seen.
 11 I will tell Danny, the evidence handler, if there is
 12 a document, so you will hear me give a spiel of numbers
 13 and the document should appear on there, but it will
 14 also be printed within your bundle.
 15 Dr Hunt, could I ask you to turn behind tab 1 of
 16 the bundle in front of you, please.
 17 **A. Yes.**
 18 Q. Behind that, that is a 20-page witness statement. Could
 19 I ask you to turn to the last page, please. It is
 20 a page that has "DPA" at the bottom. I just saw you had
 21 the right page there.
 22 **A. Yes.**
 23 Q. Have you had an opportunity to read this witness
 24 statement recently?
 25 **A. Yes.**

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1 Q. Is it true, to the best of your knowledge and belief?
 2 **A. Other than one factual error that we will talk about.**
 3 Q. Can I just identify the factual error.
 4 Chair and panel, on ANG000335_011, which is
 5 paragraph 38.2 of the witness statement, there is
 6 a large passage of italics. At the bottom of that, it
 7 says:
 8 "It was one of these conversations that
 9 Bishop Peter Ball tried to record."
 10 That's inaccurate. Your recollection is it was
 11 Bishop Michael Ball, or you presumed it was
 12 Bishop Michael Ball?
 13 **A. Mmm.**
 14 Q. Thank you. So that amendment needs to be made.
 15 So your witness statement will be entered into the
 16 record. Just for the record, it is ANG000335. It will
 17 be placed on the website at a convenient moment.
 18 Because of that, I am not intending to take you through
 19 it line by line.
 20 So the Reverend Dr Hunt, as I understand it,
 21 although you no longer have an incumbency, so to speak,
 22 you still have permission to officiate; that's right,
 23 isn't it?
 24 **A. Yes.**
 25 Q. You are now an academic, but I understand you spent much

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1 of your career within social work. But prior to
 2 becoming an academic, you were a chaplain at
 3 Jesus College, Cambridge, between 1988 and 1992. Is
 4 that correct?
 5 **A. Yes.**
 6 Q. In fact, before you became a member of the clergy, you
 7 worked for a time both for Women's Aid and also for the
 8 Manchester Rape Crisis line?
 9 **A. That's right.**
 10 Q. You were also chaplain to an organisation called
 11 Christian Survivors of Sexual Abuse --
 12 **A. Yes.**
 13 Q. -- which I understand was the forerunner of what we now
 14 know as MACSAS; is that right?
 15 **A. More or less. It was started by the same person, who**
 16 **I have seen referred to in --**
 17 Q. Margaret Kennedy?
 18 **A. Margaret Kennedy. But it would be fair to say they were**
 19 **actually different organisations but she moved on to**
 20 **start MACSAS.**
 21 Q. Your CV seems to demonstrate someone who has had more
 22 than possibly the average clergy person's experience
 23 with those who have suffered abuse of power, both before
 24 you came into the clergy and also during your time
 25 within it and afterwards. Because if I can just

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1 identify, you are an academic but a social worker as
 2 well, so an academic specialising in social work?
 3 **A. That's right.**
 4 Q. Do you consider your experience and background was
 5 atypical -- let's leave aside your gender for one
 6 moment, which would have made it atypical at the time,
 7 in any event -- atypical to the average clergy?
 8 **A. Yes, I would say so.**
 9 Q. Looking back at the period between 1988 and 1992, when
 10 you were in full-time ministry, what's your view as to
 11 the understanding that the church had in respect of
 12 sexual violence and abuse of power?
 13 **A. I don't think it had much of an understanding at all, if**
 14 **I'm honest. The idea of any kind of safeguarding was**
 15 **probably -- it hadn't really been raised, and within**
 16 **that, I think clergy often, and the church in general**
 17 **often, were not aware of the level of power which they**
 18 **wielded in their -- by the very fact of being an**
 19 **ordained person.**
 20 Q. So there was a sort of complete lack of awareness of
 21 what you might call the imbalance of power?
 22 **A. Yes, I think so.**
 23 Q. They just viewed themselves, "Well, I'm exactly the same
 24 as the man next door"?
 25 **A. Yes.**

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1 Q. Did you receive any training at any time when you were
 2 in active ministry during that period --
 3 **A. No.**
 4 Q. -- about safeguarding? Because obviously you were
 5 a chaplain at Jesus College, Cambridge?
 6 **A. Mmm.**
 7 Q. Part of your role, as I understand it, as a chaplain, as
 8 well as also to take services, is almost to act as like
 9 a counsellor or an adviser?
 10 **A. Yes.**
 11 Q. Not just on spiritual issues, but general pastoral
 12 issues. Am I right in thinking that that was --
 13 **A. Yes, that would be absolutely true, to students, staff,**
 14 **anybody connected with the college. So in my case,**
 15 **because Jesus College had a boys' choir, also to the**
 16 **families of the boys and the families.**
 17 Q. So you were a chaplain not just to people between the
 18 ages of 18 to 21 --
 19 **A. No.**
 20 Q. -- but also to a group of boys between the ages of 8 to
 21 13?
 22 **A. Yes, that would be fair.**
 23 Q. And their families?
 24 **A. And their families and, of course postgraduate students**
 25 **and all staff, academic and otherwise.**

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1 Q. Did you have any training in safeguarding? Because, of
 2 course, at an Oxbridge college, but also with a number
 3 of others, as a chaplain you are not employed by the
 4 Church of England, you are employed by the university,
 5 or, in this case, in fact, the college because of
 6 the way that Cambridge and Oxford colleges work. Did
 7 you receive any training in safeguarding either from the
 8 church or from the college or from the university?
 9 **A. No.**
 10 Q. Was there any sort of specific chaplain training at that
 11 time?
 12 **A. No.**
 13 Q. Did you have to go on some kind of course?
 14 **A. No, nothing like that.**
 15 Q. Do you think, given the pastoral role that you
 16 performed, that there should have been specific training
 17 in respect of safeguarding and sexual violence? You
 18 obviously knew all about that, but as you have already
 19 said, you were atypical?
 20 **A. I think at theological college you're expected to do, as**
 21 **it were, placements, you know, within parishes or**
 22 **colleges or whatever, or prisons or wherever it might**
 23 **be, and therefore you also trained in what you would**
 24 **call pastoralia, so how to conduct services, how to**
 25 **respond to people in different situations. So I imagine**

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1 **that most clergy, depending on how their theological**
 2 **college trained them, would come with that basic**
 3 **information.**
 4 **In answer to your question, I think it would be**
 5 **helpful to have some more specific training, but I would**
 6 **imagine that now safeguarding is a high priority in**
 7 **theological colleges.**
 8 Q. We heard some evidence in Chichester about the fact it's
 9 not --
 10 **A. Okay.**
 11 Q. It is possibly not worth -- it is a slightly more
 12 complex issue.
 13 Do you think in respect of particularly chaplains --
 14 obviously because they are not employed by the diocese,
 15 they are not really part of the diocese, they are wholly
 16 separate and self-standing. Do you feel that the
 17 Church of England has enough of a handle on them in
 18 order to provide them with appropriate management and
 19 guidance as to their role, and do you think it should
 20 have such a handle on them?
 21 **A. It's a bit more complex than that, because of course,**
 22 **even though you are employed by either the college or**
 23 **the university, the college or the university -- or**
 24 **indeed a hospital or another institution -- has the**
 25 **right to insist that you have a licence from the bishop**

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1 or not. You know, some might choose not to insist on
 2 that. Therefore, there's an inconsistency as to whether
 3 the diocese, and therefore the bishop, has any say in
 4 what it is you have to do and have as part of your
 5 training.
 6 Q. How knitted in were you to the diocese? Because we see
 7 various points during the course of this affair in which
 8 the Bishop of Ely became involved, the Bishop of
 9 Huntingdon became involved sort of on your behalf, so to
 10 speak. Do I assume your relationship with the diocese
 11 was maybe closer than it would be in other
 12 circumstances?
 13 A. Yes, because I was also being Honorary Chaplain Amongst
 14 Deaf People. For that reason, I saw, usually,
 15 Bishop Gordon Roe, who was the suffragan Bishop of
 16 Huntingdon, every so often.
 17 Q. But that was because of the other role you played --
 18 A. Yes.
 19 Q. -- not because of your role as chaplain?
 20 A. Yes.
 21 Q. So they probably knew you better than they would have
 22 known other chaplains?
 23 A. Quite possibly, but, also, the visitor to the college
 24 was the Bishop of Ely, because Jesus College happens to
 25 have been founded by the Bishop of Ely at the time. It

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1 just wouldn't be the same for all colleges.
 2 Q. Can I just identify for the purposes of the public,
 3 being a visitor is the sort of official person to whom
 4 one complains and they have certain ceremonial and also
 5 disciplinary roles?
 6 A. They do. So if the governing body, for example, can't
 7 agree on something, they can appeal to the visitor. If
 8 they make a decision that somebody doesn't agree to,
 9 they can appeal to the visitor.
 10 Q. I understand from your witness statement that you in
 11 fact have written a chapter in a book about sexual
 12 violence and theology.
 13 A. Mmm-hmm.
 14 Q. We heard quite a lot in the Chichester case study. We
 15 haven't really heard anything much in this case study
 16 about the theology of safeguarding. What's your
 17 understanding of the term and how do you think it should
 18 be disseminated within the church?
 19 A. That's a bit of a complex question.
 20 Q. I know. I'm asking a question which could in and of
 21 itself probably be a chapter of a book or at least
 22 a book?
 23 A. Exactly. Remember, I wrote that in about 1992/93,
 24 something like that --
 25 Q. Yes.

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1 A. -- so the situation was very different. I was
 2 highlighting the -- at the time the fact that women and
 3 children, but I think I was thinking more of women, had
 4 been -- experienced abuse within the church; that the
 5 church's attitude to women encouraged that; and when
 6 I say "the church", I mean the Christian churches, not
 7 simply the Church of England.
 8 And thus it was very easy for women to be abused and
 9 have nowhere to take that. The parable I used was the
 10 Parable of the Unjust Steward, if that isn't too
 11 theological -- sorry, the Unjust Judge, where what
 12 happens is, somebody goes to the judge and says, "Please
 13 decide on my behalf. Please decide on my behalf", and
 14 eventually the judge decides on her behalf because she's
 15 pestered him so much, and I'm saying that that's what
 16 women are doing to the church: we are asking for justice
 17 but you're not hearing us.
 18 Q. Would you say that that was also true -- I know that the
 19 chapter that you wrote was primarily in the context of
 20 women. Do you think that would also have applied to
 21 your view of the church in respect of vulnerable adults
 22 and children at the time?
 23 A. Yes.
 24 Q. So all sort of "others", so to speak?
 25 A. Those who didn't have power or weren't seen to have

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1 power, I would say.
 2 Q. Obviously, you were a deacon at that time, because this
 3 was prior to the ability to ordain women?
 4 A. Yes.
 5 Q. So you could become a deacon but you couldn't become
 6 a priest?
 7 A. That's right.
 8 Q. Were you relatively -- I'm assuming you were in quite
 9 a small minority of being a woman within the
 10 Church of England?
 11 A. At that point, yes.
 12 Q. So you, yourself, wouldn't have been perceived as
 13 someone who was the bearer of power, despite the fact
 14 that you were a chaplain to a Cambridge college, which
 15 is a relatively powerful institution?
 16 A. Well, I would say that, yes, I would be seen as more
 17 powerful than some others. You know, for example,
 18 through education, having -- just having a degree;
 19 having some sort of access to those who have more power;
 20 having some knowledge about the way in which systems
 21 worked. All of those things are powerful. So there is
 22 power inherent in who you are as well as what you know
 23 and who you know.
 24 Q. Now, on a slightly more prosaic note, at the moment, you
 25 are not in active ministry but you have permission to

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1 officiate?
 2 **A. Yes.**
 3 Q. We heard quite a lot from Mr Tilby in Chichester about
 4 the new rollout of national safeguarding training. Have
 5 you, as yet, undertaken that training?
 6 **A. No. But I should say, to be fair -- I have permission**
 7 **to officiate in two dioceses, which is Manchester and**
 8 **Ely. They have invited me to attend, but I asked them**
 9 **to put it off until after this, so to be fair to them.**
 10 **It was just that -- I mean, I teach safeguarding anyway,**
 11 **but obviously the safeguarding training that the church**
 12 **provides I assume will be much more about their own**
 13 **structures and ways in which they want things done.**
 14 **I thought, actually, I think I'd rather wait until after**
 15 **this to do that. So I would expect to do something**
 16 **between now and Christmas, say.**
 17 Q. Thank you very much. I would now like to pass on to
 18 your role within the context of the Peter Ball
 19 investigation which took place in 1992 and 1993. Now,
 20 we heard from AN-A117, who was your lodger at the time,
 21 who in fact called you a "lioness" in the evidence, so
 22 if you didn't know that, that was the way that he
 23 described you. AN-A117 sort of lived with you on and
 24 off when you were in Cambridge, and he saw you as his
 25 spiritual mentor. What awareness or knowledge did you

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1 have of Peter Ball prior to getting to know A117?
 2 **A. I had heard of him, in that he had, I think -- there's**
 3 **a three-yearly mission to the university, and I think he**
 4 **had been one of the missionaries the year before, or**
 5 **possibly two years before, but the mission prior to me**
 6 **becoming a chaplain, so I had heard of him through that.**
 7 **I had probably been in the same room as him at some**
 8 **function -- for example, Rowan Williams' consecration as**
 9 **Bishop of Monmouth, I think he was there as well, but**
 10 **I had never met him.**
 11 Q. As I understand -- again, this has come up in Chichester
 12 but less so within the context of this case study -- you
 13 have informed me that you are from the Anglo Catholic
 14 wing?
 15 **A. Yes.**
 16 Q. So you are from Peter Ball's wing of the church?
 17 **A. Yes, that would be fair.**
 18 Q. So others who were at theological college in the 1980s,
 19 which I am assuming you would have been --
 20 **A. Mmm-hmm.**
 21 Q. -- told us that Peter Ball's scheme, particularly
 22 amongst those of an Anglo Catholic bent, of which you
 23 would have been one, knew that he liked to give people
 24 the "St Francis treatment", is what it is called. Were
 25 you aware of this?

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1 **A. I had never heard it called the "St Francis treatment".**
 2 **When I was at theological college, St Stephen's House is**
 3 **an Anglo-Catholic college. There were only four women**
 4 **out of the, say, 40 to 50 people at college, and one of**
 5 **those had come to theological college from that scheme.**
 6 **So I knew her -- and of course the women lived in**
 7 **a different place, so she would not have known about**
 8 **what was going on. But she did have friends from**
 9 **The Scheme, as it were, visit the college that I met,**
 10 **and so although I wouldn't have called it the**
 11 **"St Francis treatment", I had certainly heard about**
 12 **naked praying.**
 13 Q. Was this something which, from your perspective as an
 14 Anglo Catholic, could be justified in theological terms?
 15 **A. No, not really. I mean, if an individual wants to do it**
 16 **on their own -- I can't see why -- then yes, but**
 17 **I didn't understand where this was coming from.**
 18 Q. It wasn't something which could be seen as a slightly
 19 unorthodox variant of monastic practice?
 20 **A. I have never heard of it happening in monastic practice.**
 21 Q. So A117, we understand, gradually dropped hints to you,
 22 bits and pieces of information, about what had happened
 23 in respect of Peter Ball?
 24 **A. Mmm-hmm.**
 25 Q. Eventually, he told you what he told us on Monday about

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1 Peter Ball's treatment of him. Did you tell him to go
 2 to the police?
 3 **A. I didn't tell him to go to the police, because that for**
 4 **me would have been, as it were, a use of power.**
 5 **I suggested to him that he should consider going to the**
 6 **police, and particularly with respect to the fact that**
 7 **other people might be receiving similar treatments to**
 8 **the ones he was. He, I think, told me that The Scheme**
 9 **didn't really happen anymore.**
 10 Q. No. I think he told us that he was the only person on
 11 The Scheme at the time and there was an inference that
 12 it had sort of fizzled out.
 13 **A. Yes, but nevertheless, it seemed to me that it would be**
 14 **worthwhile encouraging him to go forward and make some**
 15 **sort of statement if that was what he wanted to do.**
 16 Q. I also understand that you phoned Rowan Williams, who
 17 was then the Bishop of Monmouth, to tell him that you
 18 had some concerns about Peter Ball?
 19 **A. That's right.**
 20 Q. Can you remember what you told him and why you rang him
 21 and not someone at Lambeth Palace?
 22 **A. Yes. I rang him because I knew him personally anyway,**
 23 **and I wanted some advice, in some sense, I wanted to**
 24 **say, "I'm concerned about this", and that, as I said,**
 25 **I thought that Peter had been -- of course, it could**

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1 **have been Michael. Peter had been present at Rowan's**
 2 **consecration as Bishop of Monmouth, so I assumed he knew**
 3 **him, and also Monmouth diocese and Gloucester diocese**
 4 **are adjacent, although they are in two very different**
 5 **provinces of the Church of England, which I guess you**
 6 **know.**
 7 Q. One is in the Church of England and one is in the Church
 8 of Wales, so yes.
 9 **A. In Wales, yes.**
 10 Q. Church in Wales, yes. Sorry, I apologise to the Church
 11 in Wales for saying the "Church of Wales" again.
 12 **A. Yes, so they are very different parts of the Anglican**
 13 **Communion, but thought it very likely that Rowan might**
 14 **see him. My suggestion -- what I said to Rowan is,**
 15 **words to the effect of, "Peter has been behaving**
 16 **inappropriately with young men. Please warn him off.**
 17 **He's going to get himself into serious trouble".**
 18 Q. Did you ever consider doing anything more -- for
 19 example, complaining formally or reporting formally to
 20 any ecclesiastical authorities?
 21 **A. I was aware that -- you know, from previous experience,**
 22 **that third party reports were not accepted, generally**
 23 **speaking; that if I had gone to the police or someone**
 24 **and said, "I have been told this", the response would**
 25 **have been, "Well, get them to come and tell us". You**

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1 know, "Get that individual or those people to come and
 2 tell us. We can't take a report from you". So that
 3 seemed to me a pretty -- it seemed, you know, a very
 4 good reason for not acting independently.
 5 But pastorally, as I said in my statement, I'm also
 6 of the opinion that what has happened is that control of
 7 the person has been taken away by the abuser, that they
 8 have not been able to follow through on decisions they
 9 want. And, effectively, if I say to somebody who has
 10 been abused, "Right, you must do this. We will do it.
 11 You will do it now. We will go and do it", I'm, in
 12 effect, perpetuating an abuse of power. It is much,
 13 much better, assuming nobody is in immediate danger, to
 14 talk with them and over time get them to the point where
 15 they feel able to report so that it is their decision
 16 and their power that's being exercised.
 17 Q. Other than A117, did you come through your time of
 18 knowing A117 or others -- because I think you were just
 19 down the road, I think in fact Jesus College is next
 20 door to one of --
 21 **A. It's opposite.**
 22 Q. It is opposite one of the theological colleges in
 23 Cambridge. Did you get to know anybody else who was
 24 involved with The Scheme?
 25 **A. Yes.**

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1 Q. Did they tell you anything about what had gone on during
 2 their time on it?
 3 **A. At what point are you --**
 4 Q. It would have been after A117 provided you with some
 5 information?
 6 **A. I think I heard no other stories other than praying**
 7 **naked prior to Neil Todd's attempted suicide.**
 8 Q. When Neil Todd attempted suicide, what then happened?
 9 **A. I should say that I think [redacted] had said to me --**
 10 **oops, sorry.**
 11 Q. Can we break the feed, please. I nearly did it about
 12 two seconds ago.
 13 **A. I'm really sorry.**
 14 MS SCOLDING: That's okay. Absolutely fine.
 15 Chair, if we may make a restriction order over that
 16 individual?
 17 THE CHAIR: Yes.
 18 **A. It's very hard to think of a person you know as**
 19 **a number.**
 20 MS SCOLDING: I know it is.
 21 After Neil Todd had attempted suicide, what
 22 disclosures were then made to you or did you come to
 23 know of?
 24 **A. I was going to say that A117 had told me that he had not**
 25 **been alone in these experiences and that he could find**

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1 **others to tell me similar stories if I wanted. After**
 2 **Neil had attempted suicide -- hold on a minute, I need**
 3 **to check the number -- I heard A98's story, and other --**
 4 **how can I say it? -- bits and pieces of, "Yeah,**
 5 **I remember that. Yes, I remember that".**
 6 **So somebody would say, for example, "I know that**
 7 **happened to A ..." whichever one it was, "because, when**
 8 **we were praying naked, I saw the marks on his bum".**
 9 Q. I think A117 described the fact that sort of around your
 10 kitchen table, so to speak, there were a group of
 11 individuals who were Schemers or ex-Schemers and so
 12 a number of stories began to come out?
 13 **A. And those tended to be, "Oh, yes, that happened to me",**
 14 **"Oh, he did that to me, "Gosh, he never did that to me",**
 15 **things like -- that kind of information.**
 16 Q. So there was kind of both "This happened to me" and also
 17 "It didn't happen to me"?
 18 **A. Yes.**
 19 Q. On the basis that there was a smattering -- it may -- of
 20 individuals who told you their stories, you identify at
 21 paragraph 28 of your witness statement --
 22 ANG000335_008 -- the addendum --
 23 **A. 25, did you say?**
 24 Q. No, paragraph 28. Page 8:
 25 "It recorded my opinion ..."

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1 This is in respect of the contact as part of
 2 the church's internal review in 2012:
 3 "It seems that Bishop PB then selected young men for
 4 individual attention, which seemed to be on the
 5 criterion of vulnerability and prettiness."
 6 I'm not so worried about physical attractiveness,
 7 I'm slightly more worried about vulnerability. What was
 8 your impression from the people you knew -- admittedly,
 9 there were only a snapshot of people -- about the nature
 10 of their vulnerability?
 11 **A. Well, I think you've seen the statements from A98 --**
 12 **I assume you have A98's original statement, yes?**
 13 Q. Yes.
 14 **A. And A117?**
 15 Q. Yes.
 16 **A. I think it's fairly obvious, from what they have said**
 17 **themselves, that they are vulnerable. One is estranged**
 18 **from his family, the other's father has died, has**
 19 **a disabled sibling -- and I probably don't want to say**
 20 **any more because it might help identify them.**
 21 Q. Yes, but that's fine. That information wouldn't
 22 identify them. You then were in a position where at
 23 least both A98 and A117 had told you of sort of serious
 24 offending and you had serious concerns. You had rung
 25 Rowan Williams. What did you then ask A117 to do?

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1 **A. This is after Neil Todd's attempted suicide?**
 2 Q. Yes.
 3 **A. What I remember is, some of these young men, including**
 4 **A117 and A98, and I think they acted together, they were**
 5 **discussing what they should do. They had agreed that**
 6 **they wanted to support Neil and that they were**
 7 **frightened that Neil would not be believed because of**
 8 **Peter's reputation, and so they decided that they wanted**
 9 **to make statements to the police about their own**
 10 **experiences which would make Neil's disclosures more**
 11 **credible.**
 12 Q. Because of course we know from A117 that he had met
 13 Neil Todd --
 14 **A. Yes.**
 15 Q. -- whilst at Peter Ball's palace as the
 16 Bishop of Gloucester?
 17 **A. I think I knew that but I just hadn't identified that**
 18 **that was the same person, you know, he said he had met.**
 19 Q. Did you ever meet Neil Todd personally?
 20 **A. No. I spoke with him on the phone, but I never met him.**
 21 Q. They then decide to go to the police, but at that point,
 22 they didn't necessarily want Peter Ball to be --
 23 **A. No.**
 24 Q. -- prosecuted?
 25 **A. They were still very much of the opinion that he was --**

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1 **mmm. They would say that their opinion was that he was**
 2 **a very holy person and that he shouldn't have done these**
 3 **things and it was a mistake and they didn't really want**
 4 **to, as it were, get him; what they wanted was for Neil**
 5 **to be believed. I would say, if I may, my view was that**
 6 **they were also still, having been manipulated by him,**
 7 **still enthralled to him in that sense, that they would,**
 8 **you know, listen to what he said seriously.**
 9 Q. Right.
 10 **A. And if somebody has groomed young people in that way,**
 11 **then that's what's going to happen.**
 12 Q. I think we understand from A117 he did keep in contact,
 13 as did a number of other people, for a number of years
 14 with Peter Ball, both after the time on The Scheme and
 15 also after his arrest and caution?
 16 **A. Oh, and for a long, long time. I mean, Peter would be**
 17 **ringing up to speak to A117 relatively regularly and, to**
 18 **my surprise, talked happily to me if A117 wasn't there,**
 19 **because it seemed very strange to me, given my role,**
 20 **that he would ring up and talk to me in that way.**
 21 **But --**
 22 Q. That was after he had been arrested?
 23 **A. And cautioned and resigned. But I should say also that**
 24 **when we get to 2012, I think I was asked to locate some**
 25 **of these young men again, and I phoned -- I think**

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1 **I phoned -- I'll say I phoned, but I contacted A117, and**
 2 **he later told me that he had rung Peter or had contacted**
 3 **Peter and told him that the police were interested**
 4 **again. So he was definitely still --**
 5 Q. Still enthralled?
 6 **A. Yes, at that point. Or felt that he had an obligation**
 7 **to him, you know.**
 8 Q. Yes. Obviously those individuals went to the police.
 9 Then can I take you to paragraph 38 of your witness
 10 statement, please, which is page 10 over to page 11.
 11 **A. Yes.**
 12 Q. At the bottom of paragraph 38 -- Danny, would you mind
 13 getting it up, ANG000335_010. Right at the bottom:
 14 "The review's note ..."
 15 This is the note you made of Dame Moira Gibb's
 16 interview:
 17 "... recorded that at this point various bishops
 18 phoned up and said 'Don't let them talk'.
 19 You say you were referring to your contact with
 20 three bishops. Can I clarify what the discussions were?
 21 We don't necessarily need to know who all the bishops
 22 were. So we have, at 38.1, who I am going to call
 23 bishop 1. You contacted somebody, who I am going to
 24 call bishop 1, to ask them the best way forward, and
 25 what did he say to you?"

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1 **A. If I'm absolutely honest, I cannot remember now. It is**
 2 **in my statement from the time, but I cannot now**
 3 **remember.**
 4 Q. At the moment, it says -- your 1993 statement explained:
 5 "When the news broke, I was keen ... I therefore
 6 contacted him to ask him the best way forward. He told
 7 me not to do anything for 24 hours and to leave it to
 8 him. Two days later, the Wednesday evening, he phoned
 9 me back and told me he had spoken to X and I also think
 10 the Bishop of Chichester. He assured me that
 11 Bishop Peter had told ... his brother and Lambeth
 12 everything. He would not tell me what he meant by
 13 'everything'. He also said that if it became public
 14 knowledge, that it would not be good for the church and
 15 that the church could discipline Bishop Peter. He also
 16 said that Bishop Michael Ball had offered to come and
 17 see myself and others and give a reassurance that his
 18 brother would be placed under the strictest discipline.
 19 X was retired at this time."
 20 You particularly contacted him because you and he
 21 had been on pilgrimage together. You say this as your
 22 last sentence of 38.1:
 23 "I took from what he said that he thought it would
 24 be best for the church if no-one said anything to the
 25 police."
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1 **A. That's correct.**
 2 Q. Do you think that his was a lone voice in saying that
 3 nobody should say anything to the police or was this
 4 more widespread?
 5 **A. My only contact with bishops were to say, "Don't say**
 6 **anything", and I don't think they were just referring to**
 7 **the police, because by this time we also had the press**
 8 **camping on the doorstep as well.**
 9 Q. Yes.
 10 **A. So it was more "Don't" --**
 11 Q. Don't say anything to anyone?
 12 **A. "Ask them", ie, AN117 and 98, "not to give formal**
 13 **statements or tell the press". But I don't think**
 14 **I would have differentiated between the two. It was,**
 15 **you know, "Keep quiet".**
 16 Q. Then shortly after that, again obviously it is some time
 17 ago, but in the 1993 statement that you gave to the
 18 police you identify that that same bishop asked you to
 19 contact Bishop Michael Ball, and Michael Ball gave you
 20 similar assurances that the church would deal with these
 21 matters. You assume you were talking to Bishop Michael:
 22 "I told him that AN-A92 was coming to stay at the
 23 invitation of AN-A117. This troubled
 24 Bishop Michael Ball who expressed his concern that
 25 AN-A92 might persuade the young men to go to the police
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1 and he would phone again the following Sunday to find
 2 out what had happened. He returned the call and I told
 3 him of the decision ... he was very distressed by this."
 4 This was the Friday just before Christmas:
 5 "AN-A98 came around to my home and said that he had
 6 spoken twice on the phone with Bishop Michael Ball
 7 during which time the bishop had told him to 'shut up.'
 8 You understood that it was during one of these
 9 conversations that Bishop Michael Ball had in fact tried
 10 to record -- was it yourself or A98?
 11 **A. No, it was me he tried to record. The reason I know**
 12 **that is because I don't think he was technically very**
 13 **adept, so I suddenly heard myself speaking, at which**
 14 **point he apologised and then wrote to me and apologised**
 15 **for trying to record the conversation.**
 16 Q. I mean, obviously this is 25 years ago. Can you
 17 remember, in rough terms, what he was trying to say to
 18 you?
 19 **A. In rough terms, he was saying it wasn't good for the**
 20 **church or for his brother for this to become public**
 21 **knowledge and that it was my responsibility to make sure**
 22 **that the two young men in particular didn't say**
 23 **anything, and my response was, "No, they must do what**
 24 **they feel is right and what they need to do", and that**
 25 **Neil needs support.**
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1 **The other thing that Bishop Michael said that**
 2 **I thought was very interesting, and this all stuck in my**
 3 **mind -- because I found him -- he was very distressed,**
 4 **and he said, "It feels as if I've fallen over a cliff**
 5 **and I've hit the bottom, and then I realise that it's**
 6 **not the bottom but it is a ledge and the ledge gives way**
 7 **and I'm falling again", as if he was finding out bits of**
 8 **what Peter had done. As I said, I cannot -- I'm not**
 9 **a twin, I don't understand how twins work, but it's**
 10 **obvious that there is some symbiosis there which is**
 11 **very, very important to him.**
 12 Q. Then, after Michael Ball had spoken to you and asked you
 13 to ask the other individuals to desist, another bishop
 14 phoned you and gave you a very similar message?
 15 **A. "It would be better for the church not to ..."**
 16 Q. And you didn't know him?
 17 **A. No, it wasn't somebody I knew and thus I can't remember**
 18 **who it was. I would be guessing if I said.**
 19 Q. Now, obviously, you are a chaplain. Can I just assume
 20 that bishops don't phone you on a fairly regular basis?
 21 **A. No; not unless they are personal friends.**
 22 Q. Leaving aside if they are personal friends, this would
 23 have been highly unusual?
 24 **A. Yes.**
 25 Q. Did you feel that the church were trying to shut you up?
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1 **A. Yes.**
 2 Q. Did you report that to the police?
 3 **A. I'm terribly sorry, but I absolutely cannot remember.**
 4 **If it is not in my original statement, which I haven't**
 5 **got --**
 6 Q. I think you did tell them that various people had phoned
 7 you up?
 8 **A. In that case, I did. I don't remember telling them, but**
 9 **I think it likely that I would have done.**
 10 Q. You were sufficiently concerned by this, so in fact you
 11 phoned up Rowan Williams again?
 12 **A. Yes.**
 13 Q. To ask him for some advice?
 14 **A. Yes.**
 15 Q. What did he say to you?
 16 **A. The point is that, as a good Anglo Catholic, clergy obey**
 17 **the bishops. So I phoned Rowan and said, "This is**
 18 **what's happening", and Rowan's response more or less**
 19 **word for word, because it really struck me, was that,**
 20 **"Ros, you are required to obey your bishops in all**
 21 **things lawful and honest" -- that's a quote from the**
 22 **Canon law -- "what they are asking you to do is neither**
 23 **lawful nor honest. Is it all right if I phone your**
 24 **diocesan bishop and tell him what's going on?"**, to which
 25 **I said yes.**

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1 Q. So you phoned the diocesan bishop --
 2 **A. I didn't; he did.**
 3 Q. Did you find that the diocesan bishop was then
 4 supportive?
 5 **A. Yes.**
 6 Q. Certainly there are letters which are written --
 7 **A. Yes.**
 8 Q. -- in early January from the diocesan bishop saying,
 9 "This is what is going on", to Lambeth Palace?
 10 **A. Yes. Because I saw the suffragan bishop -- some of**
 11 **the letters -- I have seen one letter from the diocesan**
 12 **bishop --**
 13 Q. Some of them are from the Bishop of Ely, some of them
 14 are from the Bishop of Huntingdon, who was suffragan
 15 bishop in your diocese?
 16 **A. Who, as it were, looked after me.**
 17 Q. Yes. You sat in on the interview with AN-A117?
 18 **A. Yes.**
 19 Q. And were also interviewed?
 20 **A. Mmm-hmm.**
 21 Q. What was your view about the way that the police
 22 approached their investigation from your perspective and
 23 the way they dealt with A117 and yourself?
 24 **A. I thought they were fine. For the time at which these**
 25 **statements were being taken, I thought that they were,**

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1 **if anything, more sensitive than I would have expected.**
 2 **But it was absolutely -- I would have had no complaints**
 3 **about it. I assure you, had I had complaints, I would**
 4 **have been complaining.**
 5 MS SCOLDING: I don't know whether now, chair, might be
 6 a convenient moment to have a short break?
 7 THE CHAIR: Yes, of course, we will return at 3.25 pm.
 8 MS SCOLDING: Reverend Dr Hunt, just to identify that you
 9 are under oath, so you can't talk to anybody else about
 10 your evidence.
 11 **A. No.**
 12 MS SCOLDING: Thank you very much.
 13 (3.12 pm)
 14 (A short break)
 15 (3.27 pm)
 16 MS SCOLDING: Reverend Dr Hunt, after, shall we say,
 17 in March 1993, you telephoned the Bishop at Lambeth,
 18 John Yates, and this is set out at paragraph 49 of your
 19 witness statement, ANG000335_014, and then Bishop John
 20 sent a memorandum to Archbishop George. We have seen
 21 this memorandum at a different time. You had phoned up
 22 to say some kind of apology, acknowledgement or
 23 reparation was due. Why did you feel prompted to make
 24 this telephone call?
 25 **A. I thought it was important that young men who were men**

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1 **of faith, who had been abused within the structures of**
 2 **the church, should receive some sort of formal**
 3 **acknowledgement from the church that was more than, if**
 4 **you like, me as their representative of the church, that**
 5 **abuse had happened at a high level and it should be**
 6 **acknowledged at a high level.**
 7 Q. As I understand it, Lord Carey had written to you
 8 in January to say, "Thank you very much for the work you
 9 have been doing with those young men and we, as the
 10 church, are most grateful for it". At the bottom of
 11 this memo, though, and we dealt with it with Lord Carey
 12 on Tuesday, but you set it out at paragraph 50 of your
 13 witness statement, Lord Carey had said, "We resist such
 14 demands" on the bottom of the memo. Do you think that
 15 that was indicative of the church's approach to you and
 16 those young men at the time?
 17 **A. I have to say, I hadn't seen that before now -- when**
 18 **I say "now", I mean this inquiry. I was really shocked**
 19 **and saddened to see that, because it seemed to me --**
 20 **I mean, I responded to your question about the apology**
 21 **and acknowledgement, but I was also really concerned**
 22 **that there was no possibility that Peter Ball would ever**
 23 **have access to young men again in the future, and that**
 24 **the Lambeth List seemed the best way of doing that.**
 25 **So in some ways, I feel I was being responsible for**

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1 **the church's reputation as well, so this was both good**
 2 **pastoral advice that this should take place and that an**
 3 **apology would also help the young men in question.**
 4 Q. In fact, I also understand that you wrote to
 5 Bishop Yates, but unfortunately we don't have copies of
 6 the correspondence, of his reply, and that there was
 7 some back and forth between you about what the meaning
 8 of a caution was, the inference being from Bishop John's
 9 correspondence, as I understand it, that the caution
 10 meant that the offence was less serious, shall we say,
 11 than you thought it should have been treated?
 12 **A. Yes. I think there are two parts to that. Yes,**
 13 **I thought Bishop John didn't understand how serious the**
 14 **offences were, though I did say to him on the phone --**
 15 **I noticed earlier that people had said they didn't know**
 16 **what the offences were. But I had said to John Yates**
 17 **that they were sado-masochistic in nature, and that --**
 18 **and this to me is particularly shocking, and that some**
 19 **of these offences had taken place under the guise of**
 20 **the sacrament. So not only had Peter been abusing young**
 21 **people, but he'd been abusing the sacraments of**
 22 **the church, which were, of their nature, confidential,**
 23 **in order to facilitate that abuse, which I found**
 24 **particularly horrific, really.**
 25 Q. Is that particularly horrific from any perspective or

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1 particularly from your perspective as an Anglo-Catholic?
 2 **A. Particularly from my perspective as an Anglo-Catholic.**
 3 Q. Because the sacraments hold a special importance.
 4 Bishop John Hind & Martin Warner told us about that?
 5 **A. Martin in particular would be somebody I would trust**
 6 **absolutely on those. I don't know John Hind very well.**
 7 **I haven't answered your question, I'm so sorry.**
 8 Q. I can't actually remember what it was. But it's fine.
 9 I think it was the fact that you had attempted to say to
 10 Bishop John Yates, "This is exactly what had been
 11 happening and this is exactly why I think this is very
 12 serious and something needs to be done"?
 13 **A. Yes, and really to ensure that Peter never had access to**
 14 **young men again. This wasn't a "get Peter", because**
 15 **I respected the young men, you know, A117's and 98's**
 16 **view, that they still had respect for Peter, and I was**
 17 **respecting their position, but wanting to ensure, as**
 18 **they had done, that nothing like this was done to**
 19 **anybody else in the future.**
 20 Q. To that end, you -- in fact, we do have a letter at
 21 ACE000542, which was from Bishop Gordon to Bishop John,
 22 identifying that you had been in frequent contact, but
 23 considering that in fact there is one question:
 24 "I am afraid you have heard rather a lot from
 25 Ros Hunt in the affair of Peter Ball. She is actually

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1 a good and caring pastor for marginalised people here,
 2 even if she has sometimes seemed to get a bit
 3 overexcited."
 4 Would you say that you have a tendency to get a bit
 5 overexcited and were you overexciting yourself during
 6 this particular --
 7 **A. I can see that might have been his perspective, but my**
 8 **view was very much that the church simply was not**
 9 **hearing the seriousness of these allegations and that,**
 10 **since I wasn't being heard, I was saying it again.**
 11 **"Passionate" might be better.**
 12 Q. "There is one question which she has raised which does
 13 not seem to have received any publicity."
 14 This is one of the questions that the inquiry really
 15 has, which is they form, in one way or another,
 16 a religious community, "heard about it ... only vaguely
 17 ..."
 18 Was it under proper supervision? Was it
 19 appropriately affiliated? What assurances can be given
 20 that it doesn't permit that sort of exploitation?
 21 So at the time in question, at the very least, you,
 22 and that was then being --
 23 **A. Gordon.**
 24 Q. -- communicated from -- that was the suffragan Bishop of
 25 Huntingdon writing to Bishop John Yates, saying, look,

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1 we do think there needs to be some regulation or
 2 supervision, given what has gone on?
 3 **A. It would be normal for any religious organisation to**
 4 **have a visitor and, as far as I know, there was no**
 5 **visitor to --**
 6 Q. There was a visitor to the CGA, but The Scheme was not
 7 the CGA?
 8 **A. No, and there was no visitor to The Scheme.**
 9 Q. I also understand, if I can just deal very briefly with
 10 the rest of your witness statement, you and
 11 Professor Rowland, Professor Christopher Rowland,
 12 I think jointly wrote -- I think Christopher Rowland
 13 wrote and you supported it, a letter in 2007. This is
 14 ACE001374. It is behind tab B/10, chair and panel.
 15 This was written by Professor Rowland, who was the
 16 Professor of Theology at the University of Oxford at the
 17 time. This was the letter written to Bishop Anthony,
 18 who is Anthony Priddis, isn't it, who was the bishop who
 19 was in charge, I think, of safeguarding at that time?
 20 Am I right in thinking that? Yes. As the chair of
 21 the church's -- this is -- Professor Rowland identifies
 22 that it was one of the most harrowing experiences of his
 23 career when he went to say that:
 24 "This one stands in a class of its own for the level
 25 of deception dressed up in the cloak of holiness and

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1 piety. The details of what were said remain
 2 confidential. My colleague Ros Hunt was given the
 3 brush-off by Lambeth Palace when she wrote shortly
 4 afterwards to contest about the continued pastoral
 5 activity of Ball. This reaction was unacceptable but
 6 the Church of England obviously considered that it could
 7 wash its hands of the Ball affair when the bishop
 8 resigned. Let off with a caution. These three hours of
 9 police questioning of a vulnerable young man have
 10 weighed heavily on my heart and I would like to take the
 11 opportunity of this review to add the case of the former
 12 Bishop of Gloucester."
 13 This was the past cases review which has recently
 14 been announced. I think yours was one of the letters --
 15 in fact, I think it was the letter which prompted
 16 Lambeth Palace to commission the report of
 17 Professor Mellows. Seeing this letter again for the
 18 first time -- well, not seeing it again, but having
 19 probably not looked at it for a very long time, would
 20 you agree with Professor Rowland's assessment that it
 21 was one of the most -- as being one of the most
 22 harrowing experiences of your career? Your career
 23 obviously encompassing social work, which is slightly
 24 different in terms of what one encounters?
 25 **A. I should add that the two young men were interviewed**

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1 **simultaneously, so I was with one and Chris Rowland was**
 2 **with the other. I had had the advantage of hearing much**
 3 **of these stories prior to listening to the statements,**
 4 **whereas for Chris it was, as it were, coming in cold and**
 5 **hearing what was said.**
 6 **Yes, it was harrowing. It was shocking in the level**
 7 **of manipulation, and, as Chris said, dressed up as**
 8 **piety, dressed up as being holy, dressed up as being,**
 9 **"This would make you a better Christian, a good monk",**
 10 **but also shocking in some ways.**
 11 Q. You identify at paragraph 63 of your witness statement
 12 the fact that you have been told about inappropriate
 13 behaviour by Peter Ball on three other occasions, and
 14 you outline them. I don't think we need to go through
 15 them. It is ANG000335_017. So there are three
 16 occasions you have set out at paragraph 63. You then
 17 set out lastly some reflections. At paragraph 65, when
 18 you spoke to Dame Moira Gibb you said:
 19 "Peter Ball was very charismatic and, whilst not an
 20 excuse, this is about abuse of power. The Church's
 21 attitude to homosexuality does not help."
 22 Perhaps you would like to explain briefly what you
 23 meant by that and whether anything has changed now in
 24 2018 compared to 1992?
 25 **A. I don't wish to make assumptions about Peter Ball's**

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1 **sexuality.**
 2 Q. No.
 3 **A. But whatever it was, it was one which would -- the**
 4 **Church's attitudes would not have helped him be open and**
 5 **honest with the person he was and his sexual**
 6 **preferences.**
 7 **For the young men involved, particularly those who**
 8 **were ordinands, at that time, after the various**
 9 **documents that had gone through General Synod, being**
 10 **ordained and being gay and being actively gay was**
 11 **certainly not acceptable, so that the ordinands would**
 12 **not be in a position to be able to come forward to**
 13 **discuss or comment on anything that had been done to**
 14 **them.**
 15 **I should say that I know that the principal of**
 16 **Westcott --**
 17 Q. Which is a theological college of Cambridge?
 18 **A. -- yes -- of which A98 was a student, and some of**
 19 **the other young men were students who had been involved**
 20 **in The Scheme, got a lawyer in for them for them to talk**
 21 **to at this point, so that they were -- you know, the**
 22 **church did know that these young men were gay, and of**
 23 **course others on The Scheme were looking for ordination.**
 24 **All of that makes it very, very difficult for them to**
 25 **come forward.**

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1 Q. It was very difficult for them to be able to come
 2 forward and speak openly --
 3 **A. Yes.**
 4 Q. -- either within the church or outside of the church for
 5 the church to then have known of their sexual
 6 preferences?
 7 **A. Yes, absolutely, and they were open to -- in much the**
 8 **same way as before the law legalising homosexuality,**
 9 **those men who were homosexual were liable to being**
 10 **blackmailed and generally manipulated, these young men**
 11 **within the church were in an analogous position,**
 12 **I think.**
 13 Q. What, to the law as it would have been pre 1967 when
 14 homosexuality was decriminalised?
 15 **A. Exactly. But they would not have been able to speak**
 16 **openly about what they had experienced, particularly if**
 17 **they were in relationships and particularly if they were**
 18 **not necessarily over 21.**
 19 Q. Yes.
 20 **A. So, for example -- I mean, you would have had many**
 21 **situations where a couple of young men might have been**
 22 **partners. One of them would have reached the age of 21**
 23 **and suddenly their partner was still 20. They were**
 24 **technically abusers.**
 25 Q. They were technically committing a criminal offence?

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1 **A. Yes.**
 2 Q. The offence of gross indecency at that time?
 3 **A. Yes.**
 4 Q. The other reflection you made was about
 5 Anglo Catholicism. You identified:
 6 "Authoritarian ministers in the low church saying it
 7 is what the vicar or minister says. One of the things
 8 that comes across is that Anglo Catholicism offers
 9 a highly significant sacrificial ritual which is
 10 actually much more extensive."
 11 So there is more extensive opportunity for abuse
 12 within that ecclesiastical context. I think that's what
 13 Professor Rowland said. Would you agree with that?
 14 **A. What I would say is that those who seek to abuse and to**
 15 **take advantage of others sexually do so in a variety of**
 16 **contexts, that they are extremely good at using whatever**
 17 **that context is to their own ends. So within**
 18 **Anglo Catholicism, yes, you can use ritual. If you are**
 19 **in the Scouting movement, you are doing something**
 20 **entirely other. If you are in the low church, you are**
 21 **using whatever the materials to hand are in order to**
 22 **manipulate people to the ends that you want.**
 23 MS SCOLDING: Thank you very much, Reverend Dr Hunt. I have
 24 no further questions for you. Chair and panel, do you
 25 have any questions of this witness?

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1 THE CHAIR: No, we have no questions. Thank you very much,
 2 Reverend Dr Hunt.
 3 (The witness withdrew)
 4 MS SCOLDING: We now pass over to hear the evidence of
 5 Bishop Frank Sargeant, which Ms McNeill will lead.
 6 BISHOP FRANK SARGEANT (sworn)
 7 Examination by MS MCNEILL
 8 MS McNEILL: Bishop Sargeant, thank you. Can I confirm at
 9 the outset, you provided this inquiry with a witness
 10 statement dated 3 May 2018.
 11 **A. That's correct.**
 12 Q. It runs to five pages?
 13 **A. Yes.**
 14 Q. When you made that witness statement, did you have the
 15 opportunity to check and confirm it was true, to the
 16 best of your knowledge and belief?
 17 **A. Yes.**
 18 Q. Chair, I am going to ask for that to be uploaded at
 19 WWS000199 onto our website, and, as usual, chair,
 20 I don't propose to take the witness through it in full.
 21 Bishop Sargeant, you also prepared a written
 22 submission to the Dame Moira Gibb review?
 23 **A. Yes, I did.**
 24 Q. Chair, it's slightly fuller. I'm going to ask for that
 25 to be uploaded also. It is INQ000625, and it is behind

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1 tab 2 of your bundle.
 2 Bishop Sargeant, I should confirm at the outset, you
 3 have indicated to me that you don't have very much
 4 independent recollection of the period that we are
 5 talking about?
 6 **A. No, I have --**
 7 Q. Is that right?
 8 **A. No, very little.**
 9 Q. So you are going to be relying very much on the
 10 documents that you have got in the bundle today?
 11 **A. Yes, and I wrote -- if I may say so, I wrote the thing**
 12 **for Dame Moira because I can't remember things, and so**
 13 **I wrote it -- what I could remember.**
 14 Q. Indeed. We will put both of those up on the website and
 15 we will do as best we can with the contemporaneous
 16 documents this afternoon.
 17 **A. Thank you.**
 18 Q. Is it right that you were the Bishop at Lambeth
 19 from September 1994 until January 1999?
 20 **A. That's correct, yes.**
 21 Q. When you took over at Lambeth, how much did you know
 22 about the Peter Ball situation and his caution?
 23 **A. I knew practically nothing. The thing that I remembered**
 24 **was that I'd seen a newspaper report written by**
 25 **Neil Todd's mother and that was the only thing that**

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1 **I had actually had in my mind at that time.**
 2 Q. It is right, you say in your statement, that you didn't
 3 actually know Peter Ball very well, but you did know
 4 Michael Ball quite well, having been suffragans
 5 together?
 6 **A. Yes. He was suffragan of Durham and I was suffragan of**
 7 **Cheshire, yes -- Chester.**
 8 Q. Whilst you were the Bishop at Lambeth, is it right that
 9 you were in charge of administering the Caution List or
 10 the Lambeth List?
 11 **A. That's correct. I administered it.**
 12 Q. You were involved in the administration, not necessarily
 13 who went on?
 14 **A. It wasn't in my remit to say who would go on it, no.**
 15 Q. We know that Peter Ball was never added to that list.
 16 Was it ever discussed during your tenure that he ought
 17 to be added to that list?
 18 **A. No.**
 19 Q. No?
 20 **A. No. No, I had conversations with Frank Robson about it,**
 21 **and he said that Peter Ball had not been put on the**
 22 **list -- it would have been 1992, yeah.**
 23 Q. Did he say why?
 24 **A. No, he didn't, apart from the fact I think he thought**
 25 **that Peter Ball was pleading innocence, and he saw**

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1 **Peter Ball with Bishop --**
 2 Q. Yates. John Yates?
 3 **A. No, no, the previous Bishop at Lambeth before --**
 4 Q. Ronald Gordon?
 5 **A. Ronald Gordon, yes.**
 6 Q. What you say to Dame Moira Gibb was that you thought
 7 perhaps it was because there was nobody who could put
 8 Peter Ball on the list because normally it's done at
 9 a diocesan level by a diocesan bishop?
 10 **A. That's correct, yes.**
 11 Q. It's right, isn't it, that there was another bishop on
 12 the Lambeth List at that time?
 13 **A. There had been, yes.**
 14 Q. He had been added for adultery?
 15 **A. Yes.**
 16 Q. So it was possible for Peter Ball, as far as you're
 17 aware, to be added to the list?
 18 **A. Well, it could have been, yes.**
 19 Q. I want to move to look at tab 5 of your bundle and help
 20 us out with one of the documents. Danny, it's
 21 ACE000877. This is a meeting that you had. It is
 22 a note of a meeting that you had with Lord Lloyd of
 23 Berwick on 13 October 1994?
 24 **A. Correct.**
 25 Q. You will be pleased to know we are not going to go

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1 through all of it. But, in essence, Lord Lloyd came to
 2 see you because there was a possibility of an incumbency
 3 for Peter; is that right?
 4 **A. Yes. I think he was -- he thought there was an offer**
 5 **being made in the Portsmouth diocese, yes.**
 6 Q. Because they --
 7 **A. By a private patron, yes.**
 8 Q. They knew the patron of that parish?
 9 **A. Yes.**
 10 Q. My first question is, why was Lord Lloyd granted such
 11 a meeting at Lambeth Palace? Why was he granted the
 12 opportunity to come in and talk to you about whether or
 13 not Peter Ball should be given an incumbency?
 14 **A. Well, he was a fairly important person, and presumably**
 15 **it was thought right. I don't know why I saw him rather**
 16 **than the archbishop, which would be the normal**
 17 **procedure.**
 18 Q. I understand he was an important person, that he was
 19 a law Lord and he was a peer, but he wasn't a member of
 20 the church, was he?
 21 **A. No, but he must have been a great friend of**
 22 **Peter Ball's.**
 23 Q. Do you think he should have been coming in to talk to
 24 Lambeth Palace about where Peter Ball should or should
 25 not be ministering?

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1 **A. Well, he did, yes.**
 2 Q. What it says halfway down this letter is that,
 3 essentially, Lord Lloyd was saying that it wasn't
 4 particularly serious. It says halfway down:
 5 "I pointed out that we are alarmed because there is
 6 evidence that the incident was not an isolated case and
 7 not as slight as he takes it to be. Lord Lloyd appeared
 8 to regard two men being together in the nude and holding
 9 each other [is the handwritten annotation] as being not
 10 very serious. He takes no account of the fact that it
 11 was a bishop/member of religious community relationship,
 12 and what harm has been done to the perceptions of
 13 religious communities. In addition, he seemed unaware
 14 of what Peter said he had done with Neil in terms of
 15 touching each other ..."
 16 I can't read that one on the left?
 17 **A. "Immediately".**
 18 Q. "Immediately", thank you. So was it that Lord Lloyd was
 19 saying, "Look, the caution wasn't all that serious" and
 20 you were trying to say to him, "We have information to
 21 suggest there was more to it"?
 22 **A. The writing in longhand is from the bishop's chaplain,**
 23 **from Colin Fletcher, who was with me at the time.**
 24 **I thought it was Andrew Purkis, but it in fact is Colin.**
 25 **I think the point that Lord Lloyd was making was that it**

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1 **was a private affair, not a public one, and that was why**
 2 **it was less serious.**
 3 Q. If we look at the bottom, Danny, numbers 1, 2, 3 and 4,
 4 they set out -- you explained what the archbishop's
 5 guidelines were at that time for Peter Ball:
 6 "(1) he was not to practice ministry in the Truro
 7 diocese until January 1995 at least."
 8 **A. Yes.**
 9 Q. "(2) that from 1 October he could find a gentle and
 10 private way into ministry conducting small conferences
 11 and retreats and speaking to clergy groups."
 12 **A. Yes.**
 13 Q. "(3) there was to be no public ministry of preaching and
 14 officiating .
 15 "(4) that if great publicity did erupt, then there
 16 would be an immediate review of these permissions ..."
 17 Bearing in mind you had only started at Lambeth in
 18 September 1994 -- this was October 1994 -- the decision
 19 had already been made, had it, that in 1995 Peter Ball
 20 would be returned to some form of public ministry?
 21 **A. The decision must have been made before my time,**
 22 **actually, yes.**
 23 Q. Your concern about this meeting with Lord Lloyd was that
 24 in Peter Ball's friend, or a friend of Lord Lloyd coming
 25 forward with an incumbency to which he was a patron, you

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1 said it felt like a bit of an old boys' arrangement and
 2 your other concern was that, even if the archbishop
 3 didn't approve, is it right there was nothing he could
 4 have done to stop it?
 5 **A. Well, the offer could have been made, and it would be up**
 6 **to the diocesan bishop to decide whether or not it was**
 7 **appropriate.**
 8 Q. Moving forward then to tab 7, if we can, there's
 9 a meeting on 23 November 1994, so a month later, between
 10 the Archbishop of Canterbury, who was still then
 11 Lord Carey, and yourself and Peter Ball. Again, it
 12 repeats --
 13 **A. Can you tell me the page, please?**
 14 Q. Tab 7. ACE000904. At number 2 we can see repeated
 15 there that in the new year Peter Ball's ministry would
 16 be extended to a limited and supervised public ministry.
 17 **A. Yes.**
 18 Q. What I'm interested in is number 9 on that sheet,
 19 please, Danny, if we could expand that for
 20 Bishop Sargeant. It was agreed in that meeting:
 21 "The Archbishop of Canterbury agreed that Peter Ball
 22 should be given names of those who wrote in support of
 23 a complaint. The relevant letters are thought to be
 24 with the provincial registrar. FS [that's you] will
 25 investigate. (Frank Robson confirms that there are five

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1 letters and another one wishing to remain anonymous)."
 2 **A. That's right, yes.**
 3 Q. My question is, why was it agreed in this meeting that
 4 Peter Ball could be given the names of people who had
 5 written to Lambeth Palace making complaints about him?
 6 **A. I really don't know. I'm sorry, I really don't know.**
 7 **The archbishop agreed to it. It was very bad practice,**
 8 **wasn't it?**
 9 Q. That was going to be my next question: do you think that
 10 was appropriate, that he be given those names?
 11 **A. No. It was bad practice.**
 12 Q. Again, you might not be able to remember, but do you
 13 know if any of those individuals were contacted in
 14 advance to check that they were happy for Peter Ball to
 15 be given their names?
 16 **A. No. I offered to write to them, but the archbishop**
 17 **decided it was not right at that particular time.**
 18 Q. We are going to come to when you did in fact write to
 19 them in just a minute. We do have that document,
 20 helpfully.
 21 Jumping forward to December 1994 at tab 8,
 22 ACE000910. What I will do, Bishop Sargeant, I am going
 23 to pull up a series of letters, take you through them
 24 and then ask you the question I have about them.
 25 This is Peter Ball's letter to you in December 1994

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1 after the names of the individuals have been provided to
 2 him. What he says is:
 3 "I do not feel threatened by any, except the one
 4 which is nameless, lest it be ..."
 5 We have redacted the name of the individual he was
 6 concerned about:
 7 "They are allegations which actually have no
 8 substance. I don't remember a [name redacted] so I hope
 9 all will be well there, though outrage is a menace
 10 because they seem to have an entrance on the press."
 11 Let's skip to the reply before I ask you my
 12 question. It is at tab 10. ACE000913. This is your
 13 response:
 14 "Thank you for your letter of 7 December. I have
 15 looked at the correspondence again and there is no
 16 letter from [name redacted]. I do hope that this puts
 17 your mind at rest."
 18 **A. Yes.**
 19 Q. The concern here is, essentially, Peter Ball has taken
 20 a look at the names, he's said, "I'm not really worried
 21 about them, but there is an individual I am worried
 22 about", and you say, "Okay, I will go and check again.
 23 No, we definitely don't have a letter from that
 24 individual".
 25 Was anybody in Lambeth at that time concerned that

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1 there was another potential complainant out there about
 2 whom Peter Ball was concerned?
 3 **A. Not to my knowledge, no.**
 4 Q. To your knowledge, did anybody try and find anything out
 5 about this individual he was worried about?
 6 **A. No.**
 7 Q. Can we please move back to -- I think this is the one
 8 you were trying to refer us to -- tab 4. ACE000920.
 9 This is 21 December 1994. This is a memo from you to
 10 the archbishop.
 11 **A. Yes.**
 12 Q. It is talking about Peter Ball's return to ministry,
 13 which we have established was going to be
 14 in January 1995:
 15 "With regard to Peter Ball's letter as to whether
 16 you would write to those who wrote to you with alleged
 17 incidents in his past life."
 18 I should say there, Peter Ball, we know from the
 19 records, wrote to you and said, "Before I return to
 20 ministry, can you write to the people who complained to
 21 make sure that they won't cause any trouble about it"?
 22 **A. Yes.**
 23 Q. You say:
 24 "It would be possible for me to draft a letter
 25 saying that it is now two years since the incident

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1 happened and Peter resigned from being
 2 Bishop of Gloucester and that we review the cases after
 3 two years, that you were consulting them as to whether
 4 they would see it as being appropriate to allow him
 5 a very restricted ministry -- one which did not bring
 6 him in touch with young people and children -- as he
 7 does not have a valuable ministry to perform. If they
 8 had any doubts to that, then obviously you would bear
 9 that in mind."
 10 This is the important part:
 11 "I think the danger of doing this is they may say
 12 yes they do object and therefore we have lost the
 13 initiative. The benefit in that case would be that
 14 Peter could not say that we haven't followed his wishes
 15 in order to clarify the situation and give him proper
 16 protection."
 17 **A. Yes.**
 18 Q. There's a handwritten annotation at the bottom which,
 19 I hope you can confirm, I believe is from
 20 Archbishop Carey?
 21 **A. Yes.**
 22 Q. "My feeling is -- don't contact the people above yet.
 23 Preferably, advance Peter Ball's ministry a little.
 24 Then see what further steps to take after that."
 25 **A. Yes.**

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1 Q. Below it says "Noted"?
 2 **A. Yes, by me.**
 3 Q. My question is, is the crux of this that you considered
 4 writing to the complainants about Peter Ball --
 5 **A. Yes.**
 6 Q. -- to ask them about him returning to ministry?
 7 **A. Quite.**
 8 Q. But decided not to because there was the risk that they
 9 may actually object?
 10 **A. Well, I just thought I was putting the scenario**
 11 **together, the possibilities.**
 12 Q. Do you think that this was taking into account
 13 sufficiently how they may feel seeing Peter Ball go back
 14 to ministry, as opposed to just protecting Peter?
 15 **A. Well, I was prepared to find out how they felt, and**
 16 **I was prepared to write to them.**
 17 Q. But Archbishop Carey said, "No, let's get him advanced
 18 and see what happens"?
 19 **A. Well, that's the archbishop's handwriting at the bottom**
 20 **of the memo, yes.**
 21 Q. Moving forward, if we can, to tab 12, which is very soon
 22 afterwards, ACE000923. Again, to help with the
 23 chronology a little bit, in terms of returning
 24 Peter Ball to ministry, it was agreed that he would be
 25 allowed to minister in two parishes in the diocese of

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1 Truro; is that right?
 2 **A. That's correct.**
 3 Q. Essentially, Archbishop Carey said, "That's absolutely
 4 fine. Check with Truro to make sure they are happy with
 5 it and check with the local parochial church council to
 6 make sure they are happy?"
 7 **A. They weren't put under any pressure.**
 8 Q. That's what this memo sets out?
 9 **A. Yes.**
 10 Q. What I want to ask you about is the handwritten
 11 annotation, again at the bottom, which I assume is
 12 Archbishop Carey?
 13 **A. Yes.**
 14 Q. You might help me a little bit with the handwriting:
 15 "I agree. I see no problem about giving written
 16 permission but no point in shouting from rooftops."
 17 **A. Yes.**
 18 Q. Was Lambeth Palace trying to keep it quiet that
 19 Peter Ball was returning to ministry at this time?
 20 **A. I think it was more that we were trying to ease him back**
 21 **into ministry and that the quieter the way he went, the**
 22 **better, really.**
 23 Q. Why was it important for that to be quiet? Was that in
 24 an attempt to protect Peter or did anybody think about
 25 the effect it might have on the complainants?

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1 **A. No, it was to protect Peter, yes.**
 2 Q. On reflection, and with the benefit of a bit of
 3 hindsight, do you think anybody was thinking enough
 4 about Neil Todd or any of the other complainants at this
 5 time?
 6 **A. No, they weren't.**
 7 Q. Were they having any regard at that time to how he would
 8 have felt about seeing Peter Ball returning to ministry?
 9 **A. I think, as far as Neil was concerned, it was thought**
 10 **that he'd got pastoral care in the Southwell diocese --**
 11 **Nottingham is in the Southwell diocese, and that he was**
 12 **being cared for, and I think he preferred not to be**
 13 **pastored by the Bishop of Southwell, but he was pastored**
 14 **by a vicar's wife, who I think he was lodging with at**
 15 **the time.**
 16 Q. There was certainly some pastoral care being provided.
 17 I don't know whether you just heard the evidence we just
 18 had from Reverend Dr Ros Hunt, that Neil Todd and
 19 certainly she had both expressed a reluctance for
 20 Peter Ball to be allowed to return to ministry, and in
 21 fairness to you, I think that was before your time?
 22 **A. Yes.**
 23 Q. Were you aware of that?
 24 **A. No, I wasn't. No, no.**
 25 Q. Did you ever hear a discussion or have a discussion at

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1 Lambeth Palace about whether or not this was something
 2 that was in his best interests?
 3 **A. Sorry, can you repeat the question?**
 4 Q. That's okay. Was there ever a discussion you were aware
 5 of about his objection to Peter Ball returning to
 6 ministry whilst this process was being undertaken?
 7 **A. No. The only thing I do remember is that a fax came**
 8 **through that Neil had written to Peter Ball.**
 9 Q. Can we move to tab 13, please, the next tab, ACE000925.
 10 As we said, you wrote to the local -- I think this might
 11 be the local parish priest?
 12 **A. The rector, that's right, yes.**
 13 Q. 30 December:
 14 "I am writing on behalf of the archbishop to seek
 15 your agreement to the Right Reverend Peter Ball having
 16 a strictly limited permission from the archbishop to
 17 exercise a non-stipendiary or retirement ministry in
 18 your parish. This would allow him to celebrate the
 19 Eucharist, to preach, to visit parishioners at your
 20 discretion. Of course you would want to consult your
 21 wardens and perhaps your PCC. The archbishop hopes that
 22 Bishop Peter will find a quite and gentle way back into
 23 ministry ..."
 24 What I'm interested about is the very last sentence:
 25 "I am writing by hand to conserve the

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1 confidentiality of this letter ..."
 2 **A. Yes.**
 3 Q. Is this all part of what you were saying earlier, you
 4 were trying to keep it relatively quiet or low key that
 5 Peter Ball was returning to ministry?
 6 **A. Yes, I think that's partly it. But the other thing is**
 7 **that I wrote -- was it the last day of December?**
 8 Q. It's 30 December, so pretty much.
 9 **A. I mean, it's handwritten because there was nobody in**
 10 **Lambeth Palace to type it. So that's why it's**
 11 **handwritten. But the confidentiality was because**
 12 **Dr Hewlett's parochial church council wasn't going to**
 13 **meet until February.**
 14 Q. What we know is that Peter Ball was granted permission
 15 to officiate in two parishes. If you go to tab 18, we
 16 can look at that grant, which was finally pulled
 17 together on 1 March. ACE000982.
 18 **A. Yes.**
 19 Q. It specifically sets out a permission to officiate in
 20 All Saints, Falmouth, the Parish of Feock and the
 21 Diocese of Truro. There's a handwritten annotation
 22 which is essentially that he had to obtain the
 23 permission of the -- can you help me with that word?
 24 You might not. Not to worry.
 25 **A. No. Is it --**

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1 Q. Don't worry. The question is, was this, as far as
 2 you're aware, the only permission to officiate
 3 Peter Ball was granted? Was it only limited to two
 4 parishes or was it any wider?
 5 **A. I really can't make this out because it was in my mind,**
 6 **and this is what I said to Dame Moira, that another**
 7 **permission was issued, a general permission, to perform**
 8 **in the Canterbury Province.**
 9 Q. Is that what you called the "archbishop's provincial
 10 licence", I think, to Moira Gibb?
 11 **A. Yes, I called it a licence. I don't remember it as**
 12 **a licence. Licences are only usually granted to people**
 13 **who are paid. Permissions are usually for those who are**
 14 **retired or on a pension.**
 15 Q. What you said to Dame Moira was you think he was given
 16 something similar to what visiting or foreign clergyman
 17 would receive?
 18 **A. Yes.**
 19 Q. A provincial licence within Canterbury?
 20 **A. I thought this was backed up by Richard Llewellyn when**
 21 **he did a review in 2000.**
 22 Q. Again, that's something we might see to help.
 23 What you also say in your statement is:
 24 "At the time, we weren't particularly sure how we'd
 25 go about giving Peter Ball permission to officiate

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1 because the archbishop only had the power to grant
 2 permission to officiate in the Canterbury diocese."
 3 **A. That's right.**
 4 Q. Is it fair to say that Lambeth Palace was sort of
 5 bending over backwards or certainly working very hard to
 6 find a way to allow Peter Ball to return to ministry?
 7 **A. No doubt.**
 8 Q. No, that's too far? But you were trying to see what
 9 could be done for him?
 10 **A. Yes, and how it could be done, and I honestly don't know**
 11 **how this was -- well, it must have been drafted by the**
 12 **lawyers, but I don't think that the archbishop had**
 13 **authority in any other diocese than his own.**
 14 Q. Is it fair that after this was granted, Peter Ball began
 15 to take on more and more ministerial duties?
 16 **A. Well, I think he took on more duties, not necessarily**
 17 **church duties, and not episcopal duties, but I think he**
 18 **did take on more -- yes, and they are often referred**
 19 **back to us at Lambeth Palace.**
 20 Q. If we take a look at tab 23, ACE001081. This is one
 21 example where essentially Peter Ball writes to
 22 Lambeth Palace and says, "I have been asked to do this.
 23 Are you happy with it?", and on this occasion, he
 24 says -- it is you, sorry, responding to say you were
 25 happy for him to attend the AGM of the Anglican Scout

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1 Fellowship as he was still its president, spending a day
 2 with them in October.
 3 **A. This is when the archbishop would be on sabbatical**
 4 **leave.**
 5 Q. So you responded on his behalf?
 6 **A. Well, no, I responded on my own behalf.**
 7 Q. Did you at that time consider whether it was appropriate
 8 or not for Peter Ball to be attending the AGM of
 9 the Scouts, given his caution?
 10 **A. He was its president, and it was -- I think I was**
 11 **assured that it was an adult occasion.**
 12 Q. You believed you were assured of that?
 13 **A. Yes.**
 14 Q. From Peter Ball himself?
 15 **A. No, I can't remember.**
 16 Q. We know there also came a time at the end of 1996 where
 17 the Archbishop Carey decided to broaden Peter's
 18 ministry?
 19 **A. Yes.**
 20 Q. If we take a look at tab 29, there is some discussion
 21 about this. ACE001137. This is a memo again from you
 22 to the archbishop?
 23 **A. Yes.**
 24 Q. Saying, "Thank you for asking my advice as to how you
 25 let bishops know at the House of Bishops meeting that

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1 they can call upon Peter Ball for ministry in their
 2 dioceses.
 3 "I think the best way would be to announce the
 4 retirement of Peter and Michael and to say that both
 5 will be available for ministry in their dioceses
 6 according to their own particular expertise. I think
 7 you could then go on to point out that Peter has held
 8 your permission to preach in the southern province for
 9 the last three years ..."
 10 I pause because we see "the southern province". So
 11 you certainly at that point believed it was more than
 12 just the two parishes?
 13 **A. Yes.**
 14 Q. "... and that this has not brought about any hostile
 15 reaction from anybody. I think you could also go on to
 16 say that it is to be remembered that he was never
 17 actually convicted of any offence and that he acted in
 18 the interests of the church to his own detriment."
 19 Two questions that flow from that. The first is,
 20 you say he was never actually convicted of any offence.
 21 Well, that's true, of course, but he was cautioned.
 22 **A. Yes.**
 23 Q. Did you at that time appreciate the significance of
 24 a criminal caution?
 25 **A. No.**

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1 Q. Did you understand that it was an admission of guilt?
 2 **A. No. I didn't understand that, no.**
 3 Q. Again, insofar as you can help us, was that broadly the
 4 attitude within Lambeth Palace at the time or does that
 5 just represent your understanding?
 6 **A. No, I think that was the Lambeth Palace line, yes.**
 7 Q. Also, where it says, "He acted in the interests of
 8 the church to his own detriment", what did you mean by
 9 that?
 10 **A. I don't know. I'm sorry, it doesn't make any sense,**
 11 **does it?**
 12 Q. Because one reading of that -- and tell me if it is
 13 wrong -- is that there was a belief that, in resigning,
 14 Peter Ball had done that for the church?
 15 **A. Oh, I see, yes.**
 16 Q. As opposed to being forced to resign because he had been
 17 cautioned?
 18 **A. Right.**
 19 Q. Again, would that be representative of the attitudes
 20 within Lambeth Palace or is that -- am I completely
 21 incorrect?
 22 **A. I can't answer that.**
 23 Q. Also, to help us a little bit, there is one still
 24 comment, handwritten at the bottom -- whose handwriting
 25 is this?

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1 **A. The archbishop's.**
 2 Q. Again, out of fairness to him, he does say three lines
 3 down, "I remain deeply troubled by Peter's sin, and
 4 Peter's health is a worry". Is it "situation" or is it
 5 "sin"? That's what I couldn't make out. I think it was
 6 "situation" because there was one typed version that
 7 said differently.
 8 Can we move forward --
 9 **A. What was the question?**
 10 Q. No, I was asking you to help me read the handwriting.
 11 **A. Oh, sorry.**
 12 Q. Can we move forward to the House of Bishops' statement
 13 at tab 3, ACE003298. It is page 58. This is a letter
 14 from you on 5 February 1997 to all members of the House
 15 of Bishops?
 16 **A. Yes.**
 17 Q. Essentially, this is you circulating the wording that
 18 the archbishop had read out on Thursday, 16 January?
 19 **A. Yes.**
 20 Q. What it said is:
 21 "Peter Ball may now be regarded in the same way as
 22 any other retired bishop, but should he be invited to do
 23 any public episcopal acts, for his own protection,
 24 [I would be grateful] if you would let me know."
 25 **A. "It would be helpful".**

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1 Q. Sorry, I need my glasses. In relation to the statement
 2 made to the House of Bishops, what was the intended
 3 effect of that statement: was it to broaden Peter Ball's
 4 ministry or just to make it clearer?
 5 **A. I think it was because -- he was about to retire, wasn't**
 6 **he? And Michael was about to retire, wasn't he?**
 7 Q. That's right, yes.
 8 **A. I think it was because it was left to the individual**
 9 **bishop to make up his mind over the Ball brothers,**
 10 **really.**
 11 Q. But what it says is -- it does say or imply, at least,
 12 that Peter Ball could be invited to undertake public
 13 episcopal acts?
 14 **A. Yes.**
 15 Q. As far as you're aware, in January 1997, was that new or
 16 had he been permitted to undertake episcopal acts for
 17 some time?
 18 **A. I don't -- I'm not aware that he undertook episcopal**
 19 **acts up to that date. But, I mean, a retired bishop is**
 20 **most useful in taking confirmations, really, and helping**
 21 **the diocesan bishop out a bit, lightening his load.**
 22 Q. Confirmations is the most significant thing I would like
 23 to ask you about --
 24 **A. Right.**
 25 Q. -- because Lambeth Palace was aware that Peter Ball did

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1 undertake some confirmations, wasn't it?
 2 **A. Yes.**
 3 Q. He would write from time to time asking for permission
 4 to take confirmations in certain places?
 5 **A. Yes.**
 6 Q. Did anybody at any time consider whether it was
 7 appropriate for Peter Ball, given his caution, to be
 8 undertaking confirmations?
 9 **A. Well, I think he undertook confirmations in schools to**
 10 **which he was invited, and that was actually one of**
 11 **the agreements in the November 1994 meeting we had, that**
 12 **he wouldn't take confirmations in schools, and I think**
 13 **he -- no, I think he must have gone his own way from**
 14 **time to time.**
 15 Q. It is my penultimate question and my very last document
 16 for you, if I can. Tab 3, ACE003298. It is just over
 17 the page.
 18 **A. Yes.**
 19 Q. It is page 122 of that document, please, Danny.
 20 **A. This is my submission to Dame Moira?**
 21 Q. No, tab number 3 for me -- it is the document on screen,
 22 if that helps you.
 23 **A. Okay.**
 24 Q. A letter to you from the Bishop of St Germans, Reverend
 25 Graham James. This is following the statement in the

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1 House of Bishops.
 2 **A. Right.**
 3 Q. Certainly it might help us to understand a little bit
 4 about how it was seen:
 5 "I told Peter that the archbishop had made a very
 6 supportive statement to the House of Bishops about him
 7 and that I could not remember any other occasion when an
 8 archbishop may have encouraged members of the house to
 9 use a particular retired bishop. So as a statement of
 10 support, it seemed to me to be unique. I also told him
 11 that the archbishop had specifically said that Peter
 12 could now exercise his ministry anywhere without
 13 reference to the archbishop, but that if he was to
 14 perform episcopal acts, such as confirmation, then it
 15 would be wise to inform the archbishop (rather than seek
 16 permission) so that this was known at Lambeth in case
 17 there was any difficulty raised by a third party or the
 18 media."
 19 **A. Right.**
 20 Q. What I want to ask you about is, where he says that he
 21 doesn't remember any other occasion when an archbishop
 22 may have encouraged members of the house to use
 23 a particular retired bishop and that it seemed unique,
 24 would you agree that it was a particularly unusual --
 25 **A. Yes.**

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1 Q. -- step to take?
 2 **A. Certainly.**
 3 Q. Can you help us to understand why the archbishop, if you
 4 know, decided to make this very unusual step of making
 5 such a public statement of support for Peter Ball?
 6 **A. No, I wasn't a member of the House of Bishops at that**
 7 **point, although I did attend with the archbishop from**
 8 **time to time. But I don't think I was present at this**
 9 **particular time, and I don't know where the proposition**
 10 **came from.**
 11 Q. My last question is to ask you, what you have said to
 12 Dame Moira Gibb was that there were two things that you
 13 think the church should do to improve its approach to
 14 these kind of cases. The first you said is that you
 15 think victims should have more prominence within the
 16 church?
 17 **A. Yes.**
 18 Q. Within their thinking and their approach to things?
 19 **A. Yes.**
 20 Q. Is that founded on the discussion we have had, that you
 21 think that Lambeth Palace didn't necessarily pay enough
 22 regard to Neil Todd or to other victims --
 23 **A. No, it is my experience of undergoing training and**
 24 **safeguarding training. I have gone to three particular**
 25 **conferences now. You have to go now every -- I'm not**

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1 **sure if it's three years or five years, but I went**
 2 **in March this year.**
 3 Q. Do you think that the training now pays enough attention
 4 to the victims in the process, the prominence?
 5 **A. Yes.**
 6 Q. You do?
 7 **A. Yes.**
 8 Q. The other thing you said which might be particularly
 9 interesting is that you thought there should be more
 10 transparency in the appointment of bishops --
 11 **A. Yes.**
 12 Q. -- or in the appointment process?
 13 **A. Yes.**
 14 Q. Can you help the panel to understand, in what way do you
 15 think additional transparency in the bishops'
 16 appointment process would be useful?
 17 **A. I think the process ought to be more open. I mean,**
 18 **I have only sat on one of the appointments -- I think it**
 19 **was when I sat -- when the Bishop of Bradford was**
 20 **nominated, and we had to take the Official Secrets Act,**
 21 **and that just seems to me to be -- well, too tight, too**
 22 **tight a system. And a lot -- and lots, of course,**
 23 **depends on the two appointment secretaries who have done**
 24 **the groundwork.**
 25 Q. That's the reason you think it should be more of an open

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1 process, perhaps?
 2 **A. Absolutely. I think it is slightly more open now**
 3 **because I think -- but I'm not sure -- that the diocese**
 4 **has more representatives than it used to have.**
 5 Q. We have got some evidence about the process as it
 6 currently is.
 7 **A. Yes.**
 8 MS McNEILL: Chair, I don't have any further questions for
 9 this witness. Do yourself or the panel have any
 10 questions?
 11 THE CHAIR: Mr Frank has a question, thank you.
 12 Questions by THE PANEL
 13 MR FRANK: There are two matters I want to ask you for your
 14 assistance with. First, if we can turn up
 15 ACE001176_001. It is a document from, I'm assuming,
 16 you -- I may be wrong about that. It says --
 17 **A. Yes, that would be from me. Yes, it says from me.**
 18 MR FRANK: Indeed, yes. Thank you. It concerns Michael and
 19 Peter Ball and it concerns something that Michael Ball
 20 has asked for. It was proposed that he become assistant
 21 bishop in another diocese and he says he doesn't wish to
 22 become assistant bishop unless Peter is given the same
 23 acknowledgement and status, and that you felt there was
 24 a touch of blackmail in Michael's approach to that?
 25 **A. Yes.**

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1 MR FRANK: You said:
 2 "There is still at least one [bishop] in the diocese
 3 who was deeply affected by his relationship with
 4 Peter Ball ..."
 5 **A. "One priest".**
 6 MR FRANK: Forgive me. Sorry, the bishop says:
 7 "There is still at least one priest in the diocese
 8 who was deeply affected by his relationship with
 9 Peter Ball ..."
 10 And he is now very conscious of the fact that "the
 11 abused in these cases usually carry the scars for the
 12 rest of their lives."
 13 **A. Yes.**
 14 MR FRANK: That was your observation on Michael Ball's
 15 application.
 16 **A. The bishop in this case was Jim Compton, the Bishop of**
 17 **Bath and Wells, who was taking this into consideration**
 18 **when he was trying to decide whether to make both the**
 19 **Ball brothers assistant bishops in his diocese.**
 20 MR FRANK: That's helpful. Then we look at the handwritten
 21 note at the bottom. Item 1 next to that paragraph says:
 22 "Ah! I didn't know this ..."
 23 Whose observation is that?
 24 **A. Archbishop.**
 25 MR FRANK: Thank you very much. The second point, at the

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1 second paragraph -- I think this is your observation,
 2 that he's received some correspondence from Peter who is
 3 looking for his record to be expunged, "which I think is
 4 not really possible in the light of the evidence". Was
 5 that your observation?
 6 **A. That was my observation.**
 7 MR FRANK: That's the first matter, thank you very much.
 8 **A. Thank you.**
 9 MR FRANK: The second thing I want to ask for assistance on
 10 is this. You have already been directed to what looked
 11 like the provincial permission document.
 12 **A. Yes.**
 13 MR FRANK: I just wonder if you can help us by reference to
 14 what appears on INQ000743_001. This is a document
 15 commenting on that.
 16 **A. That's right, yes.**
 17 MR FRANK: I remember Frank Robson being a former registrar
 18 who -- we have heard the minute of an important meeting
 19 has disappeared of his, but he was a lawyer who had --
 20 and a registrar for the province, is that right, in
 21 Gloucester, I think?
 22 **A. Yes.**
 23 MR FRANK: He also assisted the archbishop of -- at
 24 Lambeth Palace:
 25 "I remember Frank Robson being very troubled about

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| <p>1 the grant of the so-called 'provincial permission' to</p> <p>2 Bishop Peter Ball. There is no such thing, as a matter</p> <p>3 of law (well, not for bishops and clergy who are not</p> <p>4 from overseas churches). So on the face of it, it was</p> <p>5 not worth the paper it was written on."</p> <p>6 Is that what you understood?</p> <p>7 A. No. My understanding was it was the only thing that was</p> <p>8 available. Frank Robson is a personal friend of mine,</p> <p>9 but he granted this provincial permission. He would be</p> <p>10 the one who wrote it out.</p> <p>11 MR FRANK: Thank you very much.</p> <p>12 A. Thank you.</p> <p>13 THE CHAIR: Thank you, Bishop Frank.</p> <p>14 A. Thank you.</p> <p>15 (The witness withdrew)</p> <p>16 MS McNEILL: Chair, I am sure you will be pleased, that</p> <p>17 concludes our witnesses today. Our first witness is for</p> <p>18 10.00 am tomorrow.</p> <p>19 THE CHAIR: Thank you, Ms McNeill.</p> <p>20 (4.24 pm)</p> <p>21 (The hearing was adjourned to</p> <p>22 Friday, 27 July 2018 at 10.00 am)</p> <p>23 I N D E X</p> <p>24</p> <p>25 MR GREGOR ANTHONY MCGILL (sworn)1</p> <p style="text-align: center;">Page 205</p> | |
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| <p>1</p> <p>2 Examination by MS SCOLDING1</p> <p>3</p> <p>4 Questions by THE PANEL87</p> <p>5</p> <p>6 MR ANDREW NUNN (affirmed)89</p> <p>7</p> <p>8 Examination by MS BICARREGUI89</p> <p>9</p> <p>10 Questions by THE PANEL126</p> <p>11</p> <p>12 REVEREND DR ROS HUNT (sworn)133</p> <p>13</p> <p>14 Examination by MS SCOLDING133</p> <p>15</p> <p>16 BISHOP FRANK SARGEANT (sworn)174</p> <p>17</p> <p>18 Examination by MS MCNEILL174</p> <p>19</p> <p>20 Questions by THE PANEL202</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 206</p> | |
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