

<p>1 Friday, 27 July 2018 2 (10.00 am) 3 Welcome and opening remarks by THE CHAIR 4 THE CHAIR: Good morning, everyone, and welcome to Day 5, 5 the final day of the Peter Ball case study. 6 Today, we will hear some read evidence and from 7 three further live witnesses, and the afternoon is 8 reserved for closing submissions. 9 Before proceeding, there is one matter I wish to 10 raise. I was very concerned to report that the inquiry 11 office has been contacted this morning by someone 12 connected with this proceedings who has been distressed 13 by an approach from the media. I'd like to remind the 14 media that this is an inquiry into child sexual abuse 15 and that those who are complainant core participants, 16 and others associated with them, may be vulnerable. 17 Those who are core participants have their identity 18 protected by a restriction order. 19 Some may wish to approach the media to speak 20 publicly about their experience. There are no issues 21 with that, providing that the terms of the restriction 22 order are respected. But I do ask, however, that the 23 privacy of those others who do not seek media attention 24 is respected. 25 Ms Scolding, please proceed.</p> <p style="text-align: center;">Page 1</p>	<p>1 as set out within that witness statement are true, to 2 the best of your knowledge and belief? 3 A. Yes, I can confirm that. 4 Q. Can you indicate that you have had an opportunity to 5 read this witness statement recently? 6 A. Yes, I have, indeed. 7 Q. Lord Lloyd, just to indicate -- this really is for 8 members of the public -- you were a barrister in 9 independent practice. You then became a member of 10 the High Court Bench. You then were a member of 11 the Court of Appeal. And then, between 1992 and 1998, 12 if I remember rightly, you were a member of the House of 13 Lords Judicial Committee, as it then was? 14 A. (Witness nods). 15 Q. You were, subsequent to your retirement from the 16 Judicial Committee, still an active member of the House 17 of Lords until your retirement, I believe -- was it two 18 years ago, Lord Lloyd? Can you confirm that? 19 A. All that is correct. 20 Q. You also came to know Peter Ball. Would you mind 21 telling the inquiry how you came to know Peter Ball, who 22 was the then Bishop of Lewes, and in what circumstances? 23 A. Yes. I got to know Peter Ball very soon after he became 24 Bishop of Lewes, because I was then the chairman of 25 the Chichester Diocesan Board of Finance, and,</p> <p style="text-align: center;">Page 3</p>
<p>1 MS SCOLDING: Good morning, chair and panel. Our first 2 witness today is Lord Lloyd of Berwick. May Lord Lloyd 3 be sworn. 4 LORD ANTHONY LLOYD of BERWICK (sworn) 5 Examination by MS SCOLDING 6 MS SCOLDING: Lord Lloyd, good morning. Just a few 7 preliminary matters before I start my questioning. 8 Firstly, please do not hesitate to tell the inquiry if 9 you cannot remember certain details or you need to refer 10 to your notes. We are not operating a test of memory 11 here, so you can refer to any written documentation you 12 wish. 13 Secondly, you are free to take a break from your 14 evidence at any point and for any reason. Please do 15 indicate to me, and we can organise such. 16 There will be a break, in any event, at around 17 11.15 am. I do hope that your evidence will be finished 18 by then, but just to let you know that. 19 Lord Lloyd, can I ask you to turn to tab A/1 of 20 the bundle which you have in front of you. This is your 21 witness statement. Can I ask you to turn to the last 22 page of that, which is page 5. 23 A. Yes. 24 Q. This is a witness statement that you provided to the 25 inquiry on 6 June 2018. Can you confirm that the facts</p> <p style="text-align: center;">Page 2</p>	<p>1 accordingly, I would meet Peter Ball at meetings of 2 the Bishops' Council. But I got to know him well when 3 he became our nearest neighbour in Berwick. He was 4 a very remarkable -- he had very remarkable gifts, 5 spiritual gifts. When he preached, people wanted to 6 hear what he had to say, and I liked him very much. 7 We then became very good friends, and we still are. 8 Q. In December 1992, Peter Ball was arrested after 9 allegations were made by a gentleman called Neil Todd. 10 How did you become aware of those allegations? 11 A. I became aware of the allegations when they appeared in 12 the local press after his arrest. My understanding then 13 was that there had been sexual contact between 14 Peter Ball and Neil Todd, and that this was with 15 Neil Todd's consent. 16 Q. By the nature of the sexual contact, were you aware of 17 what the nature of the -- did Peter Ball ever discuss 18 the actual nature of what he and Neil Todd were meant to 19 have done, or did you just know that it was sexual 20 contact of some nature? 21 A. I didn't know in detail what he'd done. I think all 22 I knew was what I have said: there was contact of some 23 kind between the two of them. But as Neil Todd was then 24 17, it did not then sound to me to be a very serious 25 offence as the law looks on these things, but it was, of</p> <p style="text-align: center;">Page 4</p>

1 course, a great shock to me, all the same.
 2 Q. Okay.
 3 **A. After his resignation -- perhaps I could just say**
 4 **this -- I did write to the archbishop about this, asking**
 5 **if I could help and, as a result, I did go and see**
 6 **Peter Ball and his brother, Michael, at Truro, where**
 7 **Michael was the then bishop.**
 8 Q. Peter Ball tells us in his second witness statement that
 9 he had sent a fax to Eric Kemp shortly after he was
 10 arrested in which he had described the nature of
 11 the contact that he had with Neil Todd -- for example,
 12 getting up early, taking cold showers, embracing each
 13 other whilst naked. This fax was sent after the
 14 allegations had been made to the police but before
 15 Peter Ball was arrested. He said that he spoke to you
 16 about that fax and that you advised him, or, at the very
 17 least the inference is that you advised him, to tell
 18 Bishop Eric Kemp to destroy that fax. Can you remember
 19 that?
 20 **A. No, I have no recollection of that at all -- of the fax.**
 21 **Of course, I discussed with Bishop Kemp much later what**
 22 **might be done, but at that stage, I have no recollection**
 23 **of that fax.**
 24 Q. We then heard -- after Peter Ball was arrested, he was
 25 investigated by somebody called Detective Inspector

1 Murdock?
 2 **A. Yes.**
 3 Q. Now, we spoke to Detective Inspector Murdock on
 4 Wednesday, and you have also had a chance to see his
 5 witness statement. Can I ask you to turn to his witness
 6 statement. It is behind tab C/2 of your bundle.
 7 GSP000112_040 at paragraph 214.
 8 The evidence that he gave was similar to -- not
 9 quite the same, but similar to -- that which he sets out
 10 in his witness statement, which basically says that you
 11 telephoned him at about 4.40 in the afternoon
 12 identifying yourself as Lord Justice Lloyd. Can I just
 13 clarify something: "The caller identified himself as
 14 Lord Chief Justice Lloyd"?
 15 **A. I was never Lord Chief Justice.**
 16 Q. That's fine. "He told me he was a friend". Can you
 17 remember roughly what you said to DI Murdock during the
 18 course of that conversation?
 19 **A. I do indeed remember the telephone conversation with**
 20 **Inspector Murdock, and he was obviously a bit surprised**
 21 **that I was ringing him up about it. But he does not, as**
 22 **I understand it, in his statement suggest that I was**
 23 **acting in any way improperly in ringing him up. What he**
 24 **did suggest was that I should write with what I wanted**
 25 **to say to the chief constable, and that is what I did**

1 **indeed do the next day.**
 2 Q. Detective Inspector Murdock told us that you spoke to
 3 him about providing testimonials for Peter Ball, and you
 4 also told him that you knew the DPP. Can you remember
 5 saying that to him?
 6 **A. No, I don't remember saying that.**
 7 Q. You told him that you didn't want to influence her, but
 8 in one sense you did. Can you remember saying that?
 9 **A. I think I probably did say something to that effect.**
 10 **I was really exploring the way as to what I could do in**
 11 **order to find out how the enquiry was going.**
 12 Q. Why did you want to find out how the enquiry was going?
 13 **A. Well, what I did find out was that -- he didn't tell me**
 14 **anything, but he suggested I should write to the chief**
 15 **constable with my views, and that is what I did on the**
 16 **very next day. I think I then sent a copy of that to**
 17 **Mr Murdock himself. But from my point of view, the**
 18 **important point was what I gather he will have said to**
 19 **you yesterday, and as indeed I did make clear to him**
 20 **that I was in no sense trying to influence the result.**
 21 **I knew I couldn't. And that's absolutely clear from the**
 22 **letter I wrote to the chief constable.**
 23 Q. I know you say in no sense were you trying to influence
 24 the result. Do you think that other people could have
 25 perceived that you telephoning, given your position of

1 power and prominence as a Lord Justice of Appeal, as you
 2 were at that stage, that other people could have
 3 perceived that you were trying to interfere with the
 4 investigation?
 5 **A. But which other people are we talking about? This was**
 6 **a conversation I had with him, and he advised me to**
 7 **write to the chief constable, which is exactly what**
 8 **I did.**
 9 Q. Can we turn that letter up, if we may, Lord Lloyd? It
 10 is behind tab B/2 of your bundle. This is the letter
 11 you wrote. You say in the first paragraph of that
 12 letter -- OHY000096_070.
 13 **A. Yes, I have it in front of me.**
 14 Q. It is the first sentence, you say:
 15 "... in any event, it would be quite improper for me
 16 to be seen to be influencing the decision which must
 17 rest with the Director of Public Prosecutions and with
 18 her alone."
 19 Can I just ask, what was the purpose of this letter?
 20 Why did you write this letter?
 21 **A. Well, the purpose -- I think we ought to have the whole**
 22 **of that paragraph. I explained to the chief constable**
 23 **that I had known Peter Ball for a long time, and I then**
 24 **say quite clearly:**
 25 **"I am not going to write about the case, since**

1 I know nothing about [the case] and it would be ...
 2 improper for me to be seen to be influencing [in any
 3 way] the decision which [the DPP would have to make]."
 4 But I did think it right that the DPP and the chief
 5 constable should know what sort of man Peter Ball was.
 6 It was, as I think is described somewhere, a perfectly
 7 straightforward letter, intended, really, to show what
 8 sort of man he was. That was how it was seen, I think,
 9 by Dame Moira in her report. I would suggest it was
 10 perfectly correct. It was what I think is often known,
 11 perhaps not very accurately, as a character reference.
 12 Q. Well, you said it was a character reference, but of
 13 course, character references usually take place once one
 14 has pleaded guilty and one is being sentenced. Do you
 15 accept that this letter could be perceived to be an
 16 attempt to try and influence the investigation --
 17 A. No, I certainly do not accept that.
 18 Q. -- to try to avoid the charge?
 19 A. It is quite apparent from the first paragraph of my
 20 letter to the chief constable that that was the last
 21 thing I was trying to do.
 22 Q. But what were you trying to do, then? If you weren't
 23 trying to influence the investigation, given the stage
 24 that the investigation was at, this was pre charge,
 25 2 February, what purpose was there for you writing?

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1 A. Well, the purpose was exactly what I have described, as
 2 is true of any character reference. It just shows
 3 whoever is dealing with the case what sort of person he
 4 was dealing with.
 5 Q. But why -- in a way, Lord Lloyd, why does that matter?
 6 One could be, as you have described of Peter Ball, the
 7 most saintly person that ever lived, but one could still
 8 be guilty of criminal offending?
 9 A. Of course he could be guilty.
 10 Q. So why does that information matter?
 11 A. Because it matters truthfully in the ordinary case when
 12 it comes to sentencing. That's when the character
 13 reference is normally -- becomes very relevant. But it
 14 also is relevant at an earlier stage so that those who
 15 are dealing with the case know something about the
 16 person they are dealing with.
 17 Q. But --
 18 A. Indeed, I mean, this was not the only character
 19 reference which indeed was sent in relation to
 20 Peter Ball at this time, before he had been convicted of
 21 anything.
 22 Q. If you were trying to provide a character reference,
 23 which we can perfectly well understand, why didn't you
 24 simply write to Peter Ball's solicitors and provide this
 25 information, and they could then have provided it to

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1 the defence counsel or to whomever they thought was
 2 appropriate? Why did you think it was appropriate for
 3 you to directly write to the Chief Constable of
 4 Gloucestershire?
 5 A. I could see no reason why I shouldn't. Of course,
 6 I could have sent it to the solicitor for the solicitor
 7 to forward, but as I was a particular friend of
 8 Peter Ball, I should see no reason why I shouldn't write
 9 to him, and I saw absolutely no reason why I should
 10 conceal who it was who was writing and who I was at the
 11 time.
 12 Q. Because obviously it was written from you in your --
 13 well, it was written saying, "I am Lord Justice Lloyd",
 14 wasn't it?
 15 A. I didn't say --
 16 Q. You didn't say, "I am a terribly important" --
 17 A. -- "I'm Lord Justice Lloyd and therefore I ought to be
 18 listened to", I simply wrote to him as
 19 Lord Justice Lloyd, because that is what I was. But
 20 I didn't emphasise that point, since it would be quite
 21 contrary to what I was saying in the first paragraph of
 22 the letter, that I was not intending, in any way, to
 23 influence the decision. I'm sure that was how it was
 24 understood. That was certainly how it was understood by
 25 Dame Moira in her report, and there were many, many

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1 other character references -- this is what I am calling
 2 them -- written by many other people at that time.
 3 Q. Can we move on? You wrote a letter to the DPP probably
 4 at a similar time. We don't have a copy of that letter,
 5 so, Danny, you don't need to get anything up. But,
 6 again, it's no doubt it is likely to have been similar
 7 to the letter you sent to Chief Constable Pacey. What
 8 were you doing in writing to the DPP? Can you remember
 9 why you wrote to her? Did you know her personally?
 10 A. No, I didn't know her. I knew subsequent DPP -- we will
 11 come to that later -- but I didn't know her. My purpose
 12 in writing to her was exactly that which I have already
 13 described, so that she should know something about the
 14 man and how he was held -- how highly he was held in
 15 regard in Sussex.
 16 Q. Can I now turn to some letters and some -- really,
 17 a chain of meetings you had with the Church of England,
 18 both shortly after Peter Ball's arrest and subsequently.
 19 Can I ask you to look at tab B/3, if you wouldn't mind?
 20 It is just next to the one you sent.
 21 A. Yes.
 22 Q. This is a letter you wrote on 19 January 1993.
 23 A. Yes.
 24 Q. It is from yourself to the Archbishop of Canterbury. So
 25 this is before the letter from the chief constable. The

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1 URN is ACE000359_001. The first thing you say is:
 2 "May I presume on a brief acquaintanceship at
 3 dinners of Nobody's Friends?"
 4 Because you would like to explain to us, what is
 5 "Nobody's Friends?"
 6 **A. You're referring to tab 3, the letter to the archbishop?**
 7 Q. Yes, the letter to the archbishop.
 8 **A. Yes, I have that letter in front of me.**
 9 Q. Yes, you have that letter in front of you. In the first
 10 sentence you say:
 11 "May I presume on a brief acquaintanceship at
 12 dinners of Nobody's Friends?"
 13 Can you tell us, what is "Nobody's Friends"?
 14 **A. Nobody's Friends is simply a club, half consisting of**
 15 **the clergy, members of the clergy, and half consisting**
 16 **of members of the laity, which dine together probably**
 17 **twice a year, very often in Lambeth Palace.**
 18 Q. The inquiry has undertaken some research about this, and
 19 the Daily Mail once described it as "centred on a strong
 20 core of bishops, ex-Tory ministers and former military
 21 top brass, a highly secretive, all-male group
 22 representing Britain's most entrenched professions and
 23 institutions". Is that your understanding of Nobody's
 24 Friends?
 25 **A. That's a typical Daily Mail description of something**

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1 **they don't particularly like, but I can assure you that**
 2 **Nobody's Friends is a perfectly ordinary dining club**
 3 **which meets twice a year, probably with about up to**
 4 **about 60/70 people all dining together.**
 5 Q. Were you attempting to use your mutual membership of
 6 this club in order to prevail upon Lord Carey?
 7 **A. Well, to explain that we had very possibly met at**
 8 **a dinner of the club.**
 9 Q. Did you ever discuss, when you were attending this club
 10 subsequent to Peter Ball's arrest, with Lord Carey
 11 anything to do with Peter Ball?
 12 **A. No, of course not.**
 13 Q. Can I now take you to tab B/5, if I may. This, again,
 14 is a letter from yourself during the course of
 15 the investigation into Peter Ball to Bishop Yates.
 16 **A. Yes.**
 17 Q. ACE000429_001.
 18 **A. Yes, I have it. Do you wish me to describe how that**
 19 **meeting came to pass?**
 20 Q. Well, no. It seems that you had written a letter of
 21 29 January, which we don't know.
 22 **A. Yes.**
 23 Q. You have had also a useful conversation -- it is B/6,
 24 Lord Lloyd. I think you may well be looking at B/6,
 25 which I am going to ask you about next. Could I ask you

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1 about tab B/5, if I may. It is a letter headed "Dear
 2 Bishop". Have you got it?
 3 **A. Yes.**
 4 Q. "Thank you very much ...
 5 "I had a letter from Michael ...
 6 "I have also had a useful conversation on the
 7 telephone with DI Murdock. It sounds as though he will
 8 be ready to forward the papers to the director's office
 9 by the end of the week."
 10 Can I ask, did this therefore mean that you and
 11 John Yates, who was the Bishop at Lambeth, were in
 12 correspondence about Peter Ball's case at the time and,
 13 if so, what was the nature of the discussions you were
 14 having, if you can remember?
 15 **A. The reference in the third paragraph of that letter to**
 16 **the "useful conversation ... with Detective Inspector**
 17 **Murdock", is of course the one we have already**
 18 **discussed. It was useful because I was able to urge**
 19 **Inspector Murdock to get on with the case as quickly as**
 20 **he conveniently could.**
 21 Q. Why were you urging him to get on with the case as
 22 quickly --
 23 **A. For the obvious reason that it was of great worry to**
 24 **Peter Ball, my friend.**
 25 Q. Did you ever think about Neil Todd and his concerns

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1 during this particular period?
 2 **A. Yes, of course I did.**
 3 Q. Can we turn to B/6, if we may. So at various points
 4 after Peter Ball is cautioned, you communicate with the
 5 Church of England about the possibility of Peter Ball
 6 returning to ministry, and you'd written to Lord Carey
 7 in October 1994, and a meeting had been arranged for you
 8 to meet with Frank Sargeant, who by then was the Bishop
 9 at Lambeth. Could we get up, please, ACE000877_001. It
 10 is behind tab B/6, Lord Lloyd, a copy of the memo, if
 11 you need to refer to it?
 12 **A. Yes, I have the letter in front of me. In the summer of**
 13 **1994, I was in favour of finding something for**
 14 **Peter Ball to do after his resignation, and a good**
 15 **friend of mine, Edward Nugee QC, was of the same view,**
 16 **and indeed many others were of that view. But it so**
 17 **happened that Edward Nugee was a patron of a parish in**
 18 **downtown Portsmouth, which at that stage was vacant, and**
 19 **he wondered whether I could approach the archbishop to**
 20 **see if Peter Ball could fulfil that vacancy and in that**
 21 **way gradually find his way back into the church.**
 22 **He asked me to do that, and of course that's exactly**
 23 **what I did, and I had the meeting which is recorded here**
 24 **with Bishop Yates on behalf of the archbishop.**
 25 Q. In fact, I think it was Bishop Sargeant --

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1 **A. It was Bishop Sargeant, yes.**
 2 Q. He says in that meeting that you had said -- well, the
 3 impression that he got was that you "appeared to regard
 4 two men being together in the nude and holding each
 5 other as being not very serious".
 6 Then it says:
 7 "He takes no account of the fact that it was
 8 a bishop/member of religious community relationship and
 9 what harm has been done to the perceptions of religious
 10 communities. In addition, he seemed unaware of what
 11 Peter said about what he had done with Neil in terms of
 12 their touching each other immediately soon after the
 13 case broke."
 14 Is that right? Is that a correct perception of
 15 Frank Sargeant, you had considered that simply two men
 16 being together in the nude and holding each other as not
 17 being very serious?
 18 **A. I obviously can't remember what Bishop Sargeant said.**
 19 **That was my view of the offence as I then understood it.**
 20 Q. Were you aware at that time of the fact that there had
 21 been -- that there wasn't just Neil Todd, there were
 22 other people who had complained to the police?
 23 **A. No, I was not aware.**
 24 Q. Did Peter Ball ever tell you anything about those other
 25 people?

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1 **A. No, I was not aware of any of that. The purpose of this**
 2 **meeting was simply to see whether this particular**
 3 **vacancy which had occurred could be some way in which**
 4 **Bishop Peter would gradually find his way back into the**
 5 **ministry.**
 6 Q. Could I take --
 7 **A. It all came to nothing in the end, probably because it**
 8 **was actually too soon to press that point. But that was**
 9 **the reason for the meeting.**
 10 Q. Can I ask you to turn to the second page of that letter,
 11 if I may, and four paragraphs down:
 12 "I have two responses to make to this.
 13 "One is that this appears to be an old boy
 14 arrangement and there is a powerful group of friends who
 15 are coming to Peter's aid and also feel that the Church
 16 is being very negative and has colluded with the young
 17 man concerned in the case."
 18 Do you accept this description as an "old boy
 19 arrangement"?
 20 **A. I rather resented that description. It wasn't an old**
 21 **boy arrangement of any kind, whatever he may have meant**
 22 **by that. It was simply two friends who happened also to**
 23 **share the view that some way should be found in which**
 24 **Bishop Peter Ball could get back into some form of**
 25 **ministry.**

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1 Q. Why --
 2 **A. Could I perhaps just draw a reference -- draw attention**
 3 **to the last paragraph on the previous page?**
 4 Q. Yes.
 5 **A. This was the archbishop planning the return, the gradual**
 6 **return, of Peter Ball to something in the church, which**
 7 **I was strongly in favour of, and the paragraphs (1) to**
 8 **(4), exactly represented what I hoped was going to**
 9 **happen, and I was very pleased to see it.**
 10 Q. Right. So you had this meeting in the context of
 11 the fact that you already knew that there was going to
 12 be some return to ministry?
 13 **A. Yes.**
 14 Q. So you weren't trying to suggest that there should be
 15 a return to ministry, but that if there were to be
 16 a return to ministry, Portsmouth might be a good option;
 17 is that right? Or are you trying to suggest that you
 18 were urging a return to ministry, full stop?
 19 **A. No. I was simply fulfilling the wish which Edward Nugee**
 20 **had suggested and with which I agreed, that this was**
 21 **a vacancy which might provide a way in which he could**
 22 **find his way back into ministry in the church.**
 23 Q. Why did you think it was suitable for him to return to
 24 ministry, given that he had accepted a caution for
 25 sexual offending?

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1 **A. Well, because he had resigned as a bishop, and obviously**
 2 **he couldn't be left with nothing to do for the rest of**
 3 **his life. Indeed, this was accepted by the archbishop,**
 4 **and quite correctly. The course proposed by the**
 5 **archbishop at the bottom of the previous page is**
 6 **absolutely right.**
 7 Q. Did it --
 8 **A. "... from October, he could find a gentle and private**
 9 **way into ministry conducting small conferences and**
 10 **retreats", and so on. This I'm sure was the correct**
 11 **thing and I admired the archbishop at that time for**
 12 **taking that view.**
 13 Q. Did you ever stop and consider that even though you --
 14 I mean, obviously your role was to be Peter Ball's
 15 friend and to be his advocate -- not in a formal sense,
 16 but in an informal sense, as his friend, and to
 17 intercede on behalf of the church. Did you ever sit
 18 there and think it might not be wise, given the amount
 19 of publicity that the case had attracted and given the
 20 nature of the reason why he'd resigned, for him ever to
 21 return to ministry, for him, rather than -- let alone
 22 anybody else?
 23 **A. That would have been, in my view, a ghastly result. You**
 24 **couldn't, as it were -- if he resigns as**
 25 **a Bishop of Gloucester and to leave him with nothing**

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1 **whatever to do -- bear in mind, he was still a minister**
 2 **of the church, and to leave him with nothing to do -- no**
 3 **decent employer would do that. He would try and find**
 4 **something for him to do, and that was what the**
 5 **archbishop quite rightly was trying to do.**
 6 Q. Can we turn to tab B/7, if you wouldn't mind,
 7 Lord Lloyd. It is ACE001024_001. This is a letter from
 8 yourself to Eric Kemp. The first bit says:
 9 "I am sorry to have become somewhat overheated when
 10 we talked about Peter last week, but I have seen and
 11 talked and corresponded with him so much since my first
 12 flying visit to Cornwall in the immediate aftermath of
 13 his arrest that I find it difficult not to see the case
 14 from his point of view. Of course I accept that he had
 15 to resign his office; and I advised him to take the
 16 course he did ... although I would not have paid so much
 17 to settle the civil claim. The long and short of it is
 18 that he has paid a huge price for his transgression, as
 19 we all know. He was only just saved from the very
 20 depths of despair, and Michael with him.
 21 "Last summer a number of us had come to believe that
 22 Peter had suffered enough, and that the time had arrived
 23 for him to be reinstated."
 24 Who was the "us"? Was that yourself and
 25 Edward Nugee, or was that a much wider group of

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1 individuals?
 2 **A. What happened was this, that I did indeed have a meeting**
 3 **with Bishop Kemp in April 1995, and that was at his**
 4 **suggestion, the bishop's suggestion, and that was**
 5 **because he had had a letter from Bishop Sargeant, as one**
 6 **can see, I think, from page 2 of his letter, asking if**
 7 **anything could be done, and that was following on my**
 8 **meeting with Bishop Sargeant the previous summer, so**
 9 **that this, I think, was the church slowly working**
 10 **towards getting Bishop Ball back into some form of**
 11 **ministry.**
 12 **Bishop Eric asked for a meeting, which indeed I then**
 13 **had, and indeed I pressed then the bishop's --**
 14 **Peter Ball's case as strongly as I could, as I think**
 15 **appears from my letter. Indeed, I may have become**
 16 **rather overheated in doing so, for which I regret.**
 17 **But the fact that Bishop Sargeant had written to**
 18 **Bishop Peter Ball seeing what could be done just shows**
 19 **the extent to which the church was, quite rightly at**
 20 **that stage, in my view, trying to find some occupation**
 21 **for this man.**
 22 Q. You say in the paragraph -- I have just mentioned "Last
 23 summer a number of us had come to believe". It then
 24 says:
 25 "It was then that I went to see the archbishop.

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1 I fear that the archbishop had very little idea of what
 2 had been involved. Like so many others, he was misled
 3 by the term 'gross indecency'.
 4 **A. Yes.**
 5 Q. Do you therefore mean to imply by that that the
 6 archbishop at that time thought that the offending was
 7 more serious than you considered that it was?
 8 **A. The answer is, I don't know what was in his mind. The**
 9 **trouble was that at that stage there was another case**
 10 **going on which had been referred to by**
 11 **Bishop Sargeant --**
 12 Q. Yes, as "the Durham situation"?
 13 **A. -- as the so-called "Durham situation". Well, my view**
 14 **of the Durham situation was that it was an infinitely --**
 15 **well, "infinitely" is too strong a word. It was a much**
 16 **worse offence than that for which Peter Ball had already**
 17 **pleaded guilty. I was concerned, as it were, that**
 18 **because of the church's -- or the archbishop's concern**
 19 **with the Durham situation, that he wasn't, as it were,**
 20 **doing as much as he could for Peter Ball.**
 21 Q. Right.
 22 **A. So that's the explanation of that meeting, but nothing**
 23 **came of it, of my efforts, as it were.**
 24 Q. At the bottom paragraph, it says:
 25 "But Peter loves Sussex, as you know, and there is

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1 a real chance that he can be put back on his feet ... so
 2 please welcome him back to Sussex with open arms and
 3 don't impose niggling conditions about first officiating
 4 in West Sussex. Yes, there may be some publicity in the
 5 News of the World and elsewhere. But what does that
 6 matter?"
 7 What did you mean by "niggling conditions"? Was
 8 that simply that he should be allowed to come back to
 9 officiating the part of the world where he was known
 10 rather than having to disappear off to West Sussex for
 11 a while? Is that right?
 12 **A. My thought was exactly as I have said in this letter:**
 13 **I wanted the comeback to be with open arms. I didn't**
 14 **want him to be restricted by one means or another. But,**
 15 **as I say, it didn't happen, so it perhaps doesn't matter**
 16 **too much. I wanted Peter Ball, if possible, to be**
 17 **welcomed back to Sussex by Bishop Kemp, but in the**
 18 **event, it didn't happen.**
 19 Q. Obviously, you were a friend of Peter Ball's, but
 20 obviously -- I mean, at this point in time, in fact, you
 21 would have been a member of the House of Lords' Judicial
 22 Committee. Do you think that Frank Sargeant and
 23 Eric Kemp and Lord Carey met you because you were
 24 Lord Lloyd, a member of the House of Lords, rather than
 25 Lord Lloyd, a friend of Peter Ball's? Do you think they

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1 would have entertained meetings with you in the way that
 2 they did had you just been Mr Lloyd of Berwick,
 3 East Sussex?
 4 **A. Obviously that's a question I can't possibly answer.**
 5 **Ask them. They knew who I was and they knew that**
 6 **Peter Ball was a friend of mine, as he still is.**
 7 Q. Can we turn over to tab B/9, if we may.
 8 **A. Yes.**
 9 Q. Now, this is going much, much further forward in time,
 10 to 2009. This is a letter that you wrote on
 11 20 June 2009, ACE001491, please, Danny.
 12 **A. I have the letter in front of me.**
 13 Q. So this was a letter that you wrote to Bishop Price, who
 14 was the Bishop of Bath and Wells, asking that a risk
 15 assessment of Peter Ball be reviewed or postponed. Can
 16 I just ask, what were you doing in writing this letter
 17 and why did you write it?
 18 **A. Well, I think we can't understand why I wrote this**
 19 **letter without first looking at the letter which**
 20 **Peter Ball had himself received from the diocesan church**
 21 **protection adviser in that diocese.**
 22 Q. Yes.
 23 **A. For some reason, that letter isn't in the bundle, but --**
 24 Q. Yes. Should we get it up?
 25 **A. -- I have made arrangements --**

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1 Q. ACE001443. You have it in front of you, don't you? Do
 2 you have a copy of the letter?
 3 **A. I have a copy here.**
 4 Q. Fine. This was a letter that was sent to Peter Ball on
 5 18 May 2009 identifying that recommendations had been
 6 made following what we call within the context of
 7 the inquiry the report undertaken by Professor Mellows,
 8 which recommended that Bishop Ball should undertake
 9 a risk assessment. Now, you had described this letter
 10 as "cruel", I believe is the way that you described it
 11 at the time, and this is a letter which simply says,
 12 "You need to have a professional risk assessment". So
 13 you would say that you were responding simply to that
 14 letter; is that right?
 15 **A. That's right. But I have made arrangements for the**
 16 **tribunal to have copies of this letter, because it's**
 17 **obviously an important one, and explains my concern at**
 18 **the time.**
 19 Q. Yes.
 20 **A. Perhaps, in addition to that, I should read it into the**
 21 **record.**
 22 Q. Yes, please do.
 23 **A. It is a very, very short letter; it is only three**
 24 **sentences long. It comes from Fiona Gardner, the**
 25 **diocesan child protection adviser, and it reads:**

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1 **"Dear Bishop Peter.**
 2 **"The Diocese of Bath and Wells has been sent**
 3 **recommendations from Lambeth following the review of**
 4 **past cases that has been taking place nationally in the**
 5 **Church of England. This review has concerned people who**
 6 **may have at any time posed a risk of harm to children**
 7 **and young people.**
 8 **"The Lambeth review team has asked this diocese to**
 9 **organise a professional risk assessment with you.**
 10 **Therefore, I would hope to have this organised in the**
 11 **next month and will plan to be back in touch with you to**
 12 **discuss arrangements as soon as possible.**
 13 **"Given this development, it seems inappropriate for**
 14 **you to accompany [redacted] to his planned annual**
 15 **review."**
 16 Q. Lord Lloyd, I'm terribly sorry, can we stop the feed,
 17 please. I'm afraid you have just read something out --
 18 it is not your fault, it is our fault -- involving an
 19 individual whose name shouldn't have been mentioned. It
 20 is not your fault. We are just having to stop the
 21 questions for two seconds, if that is okay, just having
 22 to stop the feed.
 23 **A. What?**
 24 Q. Lord Lloyd, what happens is, when you just read the name
 25 out at the end that I can't say, the name at the end,

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1 you shouldn't have read that out, we should have blacked
 2 that out, because that individual has not been named by
 3 the inquiry. We can start our questions again. That's
 4 fine. We have read it into the record.
 5 Can I just identify, can we go to your letter that
 6 you then write as a result of this?
 7 **A. Yes.**
 8 Q. This is at B/9. Can we get that letter back?
 9 **A. I'm very happy to read out again, for the record, what**
 10 **I said in that letter.**
 11 Q. No, it's fine, you don't need to read it out for the
 12 record, Lord Lloyd, because it all happens
 13 electronically.
 14 **A. Oh, I see.**
 15 Q. What you said in that is, on the second page:
 16 "When he sent me a copy of the letter which he
 17 received from the child protection officer ... I could
 18 hardly believe my eyes. It was the most coldest and
 19 most inhumane letter I have ever received from any
 20 'employee' -- let alone the church. How could the
 21 church have been so cruel?"
 22 **A. I still remain astonished that that letter should have**
 23 **been written to Peter Ball some 16 years after he had**
 24 **been cautioned and 14 years after he was first given**
 25 **permission to officiate in the diocese. It simply came**

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1 out of the blue, without any explanation of any kind.
 2 Surely the Lambeth team which is referred to, "the
 3 review team", could at least have given some warning to
 4 Peter Ball of what was envisaged by this. But to get
 5 this letter out of the blue, without any explanation,
 6 seems to me rightly described as a cruel letter for him
 7 to have received.
 8 Any other employer -- after that event of time,
 9 16 years, or 14 years, any other employer would have
 10 taken great care to explain why they needed another risk
 11 assessment at that stage, but there was not the
 12 slightest -- if, of course, there was some indication to
 13 Peter Ball of what was happening, then of course this
 14 point is a bad one. But surely the review team should
 15 have given some indication and not left it to
 16 Fiona Gardner -- oh, that's the name I'm not allowed to
 17 mention?
 18 Q. No, it's fine. Fiona Gardner you can mention, it's
 19 fine?
 20 A. But not --
 21 Q. Not the other name?
 22 A. They should not have left it to her to write this
 23 letter, as I say, without any explanation. I called
 24 that letter cruel. Unless there was some earlier
 25 warning of what was on the way after a period of

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1 16 years, 14 years, when nothing had been said to Peter
 2 to question his ability to officiate, to write that
 3 seemed to me at the time, and still seems to me, to be
 4 a cruel thing to have done.
 5 Q. Just before I ask you the next question, Lord Lloyd,
 6 chair, could you make an amended restriction order in
 7 respect of the name that I can't mention?
 8 THE CHAIR: Yes, I will make that order.
 9 MS SCOLDING: Thank you very much.
 10 Lord Lloyd, shortly after you wrote to Bishop Price,
 11 you telephoned Stephen Lynas, who was the bishop's
 12 chaplain at Lambeth Palace. We have a note at B/16 --
 13 ACE001494. This is an email from Chris Smith to
 14 Stephen Lynas. These are two internal members of staff
 15 at Lambeth Palace:
 16 "Dear Chris.
 17 "I think Andrew is away and so I am sending this to
 18 you ...
 19 "I have just been subject to a choleric grilling by
 20 Lord Lloyd of Berwick who is taking up the cudgels on
 21 behalf of Bishop Peter Ball. He regards the imposition
 22 of a risk assessment on Peter Ball as an injustice and
 23 a danger to an elderly, sick man. He thinks Lambeth
 24 should have made an exception to the rule ... that on
 25 review of files ... no difficulty points --

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1 "He is determined to get the risk assessment stopped
 2 or postponed. He'll be on the phone shortly, I think."
 3 Do you recall saying those things to Stephen Lynas
 4 at that time?
 5 A. No, but they were -- I'm certainly aware that the
 6 bishop's name, their staff, were concerned by what they
 7 call my "choleric" letter to the bishop.
 8 Q. Yes?
 9 A. I have explained already to the tribunal why I felt
 10 strongly that this sudden approach to Peter Ball,
 11 without any explanation, justified a somewhat choleric
 12 attitude on my part. In any event, I never, in fact,
 13 got a reply to my letter from the bishop.
 14 Q. What you did then do is, you spoke to Stephen Lynas, and
 15 we understand from the witness statement of Chris Smith,
 16 who was Archbishop Rowan Williams' chief of staff at the
 17 time, that you telephoned him, or he says that you
 18 telephoned him. This is in his witness statement --
 19 WWS000071_023, paragraph 122. It is behind tab C/3,
 20 chair and panel, of the bundle. At paragraph 123, which
 21 is right at the bottom of the page:
 22 "I received one personal telephone call from
 23 Michael Ball and one personal telephone call from
 24 Lord Lloyd of Berwick. Others at Lambeth may well have
 25 received other representations. The call I received

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1 from Michael Ball was a plea to 'leave the matter in
 2 peace' and the call I received from Lord Lloyd of
 3 Berwick was a threat that 'some powerful people would be
 4 very upset'.
 5 That's the top of the next page.
 6 A. Well, yes --
 7 Q. I mean, can you remember saying that?
 8 A. -- I don't remember saying anything to that effect.
 9 I realised that the bishop's staff was upset by my
 10 letter to the bishop, but I don't recall mentioning
 11 anything about powerful people being upset, no.
 12 Q. Do you think by "powerful people being upset" you were
 13 meaning to include yourself in that? Would you have
 14 used that term about yourself?
 15 A. I just don't recall having said what he refers to at the
 16 bottom of that page. I have got it marked, and I've put
 17 a question mark against it.
 18 Q. Okay, thank you. If we may, I would just like to take
 19 you to two more documents. The first one of those is in
 20 fact a letter that Peter Ball wrote to Andrew Nunn. It
 21 is behind tab B/17, chair and panel.
 22 A. Yes, I have got it.
 23 Q. This is ACE001499. This is a letter which I think was
 24 probably written by Peter Ball to Mr Nunn at your
 25 prompting, because what it says is:

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1 "I sent Mr Tregaskis' [the gentleman who had done
 2 the risk assessment] report to Lord Lloyd because I know
 3 he was very used to reading such reports and skilled at
 4 assessing them. He kindly took a lot of time and was
 5 certainly not trying to play on my side. I have now
 6 spoken to him and even seen him. His overall word was
 7 simply that it was 'meaningless'.
 8 Do you still stand by that?
 9 **A. No, I don't. I have re-read the report and**
 10 **I unhesitatingly withdraw that with apologies to the**
 11 **writer of the report.**
 12 Q. So Peter Ball was then investigated in 2012. Peter Ball
 13 in his witness statement says that he sought your advice
 14 in relation to the 2012 investigation. Is that right?
 15 **A. Sorry, I haven't quite got that question. Are we still**
 16 **on this letter?**
 17 Q. No, we have passed over from that. We are now on 2012.
 18 So Peter Ball gets arrested again in 2012, Lord Lloyd.
 19 **A. Oh, yes.**
 20 Q. Did you help him at all, or did you provide him with any
 21 advice during the course of that police investigation?
 22 **A. What I do recall saying to him, but I must just think**
 23 **a second about this, I do recall saying to him that**
 24 **I did not like, and still don't like, the event which is**
 25 **described as "misconduct in a public office", which is**

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1 what he was eventually charged with. I, as a common
 2 lawyer, dislike that offence because it is so vague.
 3 Nobody knows what is meant by "misconduct", nobody knows
 4 what is meant by "public office".
 5 **Indeed, I have a recollection that when the**
 6 **legislation was going through Parliament relating to the**
 7 **appointment of women as bishops, there was a specific**
 8 **clause in the legislation saying that the office of**
 9 **diocesan bishop, or, for that matter, suffragan bishop,**
 10 **is not a public office. So if that was the position**
 11 **there, it just shows what a vague offence this is, and**
 12 **if I had my way, I would do something to -- of course,**
 13 **it is a very satisfactory offence from the point of view**
 14 **of prosecutions because they can just bung that in, as**
 15 **it were, without giving any further details as to what**
 16 **is meant. But I'm sure I shared with Peter Ball my**
 17 **dislike of that particular offence. I don't suppose it**
 18 **will be removed by Parliament because Parliament has got**
 19 **other things to do, but if I had had my way, I would**
 20 **certainly not want that offence to continue.**
 21 **But this has nothing to do with what in fact**
 22 **happened, because of course Peter Ball accepted the**
 23 **public office charge.**
 24 Q. During the course --
 25 **A. Indeed, I can only apologise for having taken up the**

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1 **tribunal's time on sounding out about something which**
 2 **I do feel rather strongly about, but which has had no**
 3 **impact in any way on this inquiry.**
 4 Q. Can I just identify the last document that I am going to
 5 take you to. It is behind tab B/10 of your bundle. It
 6 is CPS001584_001. You wrote a letter, which, again, we
 7 don't have a copy of, to the then DPP, Sir Keir Starmer,
 8 as he now is, in relation to Sussex Police's ongoing
 9 investigation. I understand that you knew Keir Starmer
 10 personally -- I am assuming probably through the context
 11 of you have having been a member of the House of Lords
 12 and he having appeared in front of you fairly regularly
 13 during that time period?
 14 **A. Yes -- sorry, just give me the reference again?**
 15 Q. It is B/10, Lord Lloyd. So this is the letter he wrote
 16 to you, saying, "Thank you very much, but I'm not ...",
 17 you know?
 18 **A. Again, I don't have a copy of the letter I wrote to the**
 19 **DPP. I did know him, do know him, and this letter was**
 20 **really urging him to get on with it as quickly as he**
 21 **could. He could not conceivably have thought that I was**
 22 **trying to influence what the result would be, and indeed**
 23 **there is no suggestion in that letter that that is what**
 24 **I was trying to do.**
 25 MS SCOLDING: Lord Lloyd, I have no further questions for

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1 you. Thank you very much for the assistance you have
 2 given to this inquiry.
 3 Chair and panel, do you have any questions?
 4 THE CHAIR: Ms Sharpling has a question.
 5 Questions by THE PANEL
 6 MS SHARPLING: Thank you, Lord Lloyd. May I ask just one
 7 question: you have spoken a lot about the criminal law,
 8 particularly in relation to gross indecency with
 9 Neil Todd.
 10 **A. Yes.**
 11 MS SHARPLING: I wondered, there is an argument to say that
 12 the act of gross indecency with Neil Todd by Peter Ball
 13 was a breach of trust, given the age and position of
 14 Peter Ball, and the vulnerability and age of a much
 15 younger man and, as a result of that breach of trust,
 16 there would be concerns about Peter Ball working with
 17 other young people in the future. Do you accept that
 18 interpretation?
 19 **A. No, of course I do. I was talking about the criminal**
 20 **law, as such, earlier. But I don't begin to try and**
 21 **justify what Peter Ball did. Of course not.**
 22 MS SHARPLING: Thank you.
 23 THE CHAIR: There are no further questions. Thank you very
 24 much, Lord Lloyd.
 25 MS SCOLDING: Thank you very much, Lord Lloyd.

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1 (The witness withdrew)
 2 Letter from HIS ROYAL HIGHNESS the PRINCE of WALES (read)
 3 MS SCOLDING: We now turn to reading the letter from
 4 His Royal Highness the Prince of Wales to this inquiry.
 5 This is a letter at ANG000333_001. Dated 10 July 2018:
 6 "Dear Professor Jay.
 7 "(1). Thank you for inviting me to offer context on
 8 how I came to know former Bishop Peter Ball and on my
 9 dealings with him over the years, to assist your
 10 important inquiry. I want to begin by applauding your
 11 work to ensure that the abuse of children is properly
 12 investigated and appropriate measures are taken to
 13 ensure they are fully protected. That is why I am
 14 pleased, on this occasion, to offer the following
 15 information, which I have set out to the best of my
 16 recollection after the passage of 25 years.
 17 "(2). Over the years I have had, and continue to
 18 have, many interactions with the clergy of
 19 the Church of England and of other faiths, often on
 20 a daily basis. Set in that context, I first became
 21 aware of Peter Ball sometime during the 1980s, when
 22 I heard him preach. At that time, he came across as an
 23 interesting and engaging person. He was later appointed
 24 Bishop of Gloucester in 1992. Since he had become my
 25 local diocesan bishop near my home in Gloucestershire,

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1 I attended his installation. He gave an impressive
 2 address, which brought him to my attention again. At
 3 the same time, I recall becoming aware of Michael Ball
 4 (Peter Ball's brother) who was later appointed
 5 Bishop of Truro, to which I am also closely connected
 6 through the Duchy of Cornwall. Over the whole of my
 7 life, I have met countless senior clergy who have been
 8 invited to preach and, on various occasions, I have
 9 myself invited them to give Holy Communion at my home.
 10 I extended such invitations to Peter Ball from time to
 11 time, starting in 1993.
 12 "(3). As is well known, I maintain correspondence
 13 relationships with a great number of individuals.
 14 Peter Ball occasionally wrote to me in respect of
 15 private, often spiritual, matters. On each occasion,
 16 I naturally replied, as I believe that to be the polite
 17 thing to do, although there was often a significant
 18 delay on my part, given other priorities which demanded
 19 my attention. My recollection is that these exchanges
 20 were normally instigated and driven by Peter Ball, in
 21 addition to a handful of telephone calls during the
 22 decades of our correspondence. Having refreshed my
 23 memory of our correspondence to try to help your
 24 inquiry, I note this is borne out by the contents and
 25 dates of the letters in question.

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1 "(4). With the significant passage of time,
 2 I cannot now recall with sufficient certainty when the
 3 following exchange took place and whether there was one
 4 particular conversation that concerned the reflections
 5 I offer below or more than one.
 6 "(5). Peter Ball told me that he had been involved
 7 in some form of 'indiscretion', which prompted his
 8 resignation as my local bishop at Gloucester. He
 9 emphasised that one individual, who I now understand to
 10 be Mr Neil Todd, had made a complaint to the police;
 11 that the police had investigated the matter; and that
 12 the police and the Crown Prosecution Service had decided
 13 to take no action. This sequence of events seemed to
 14 support Mr Ball's claim that the complaint emanated from
 15 a single individual; that the individual bore a grudge
 16 against him and was 'persecuting' him; that the
 17 complaint was false; but that the individual had
 18 nonetheless profited from the complaint by selling his
 19 story to the newspapers. The matter was described by
 20 him as 'closed'. Peter Ball added that various people
 21 within the church did not like him and had themselves
 22 used the complaint to curtail his ministry and force his
 23 resignation. When this exchange took place, I did not
 24 know about the nature of the complaint.
 25 "(6). The true context and details of this

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1 complaint, and I now understand many others, against
 2 Peter Ball did not come to my attention until the time
 3 of Mr Ball's trial and conviction in 2015. My main
 4 source of information before this was Mr Ball himself,
 5 though I should add that I was so fully occupied by my
 6 public role that Mr Ball's situation was rarely at the
 7 front of my mind. As context, it seems important to say
 8 that in the 1980s and 1990s there was a presumption that
 9 people such as bishops could be taken at their word and,
 10 as a result of the high office they held, were worthy of
 11 trust and confidence. That has changed over the years,
 12 as evidence has caused us all to be more challenging of
 13 what we hear and what we are told. But, at the time,
 14 there was on my part a presumption of good faith.
 15 I believe I was far from alone in taking this view.
 16 "(7). I was certainly not aware at the time of
 17 the significance or impact of the caution that
 18 Peter Ball had accepted, or indeed sure if I was even
 19 told about it. Whilst I note that Peter Ball mentioned
 20 the word in a letter to me in October 2009, I was not
 21 aware until recently that a caution in fact carries an
 22 acceptance of guilt. I was aware that the Crown
 23 Prosecution Service had decided not to pursue a case
 24 against Mr Ball. This seemed to support Mr Ball's
 25 defence of his position set out in his letter.

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1 "(8). I recall that Peter Ball told me that
2 following his resignation as Bishop of Gloucester he
3 would lose the house in which he lived and that, as
4 a consequence, both he and his brother Michael would
5 become homeless. He told me that their monastic vows
6 meant that they had very little money. In this context,
7 I occasionally sent the brothers small gifts of money,
8 as I do for many people in need, and Peter Ball's
9 interest in becoming a tenant of a Duchy of Cornwall
10 property then arose. A significant part of the Duchy's
11 business is in arranging and managing leases for
12 properties and I mentioned the situation of the Ball
13 brothers to the Duchy, as I do for others from time to
14 time. The details of the eventual rental were handled,
15 as usual, by Duchy staff. I was aware of
16 the transaction but did not assist with the selection of
17 the house. Some time later, in 1997, Peter and
18 Michael Ball became tenants of a Duchy property until
19 early in 2011, when they moved on.
20 "(9). At no stage did I ever seek to influence the
21 outcome of either the police investigations into
22 Peter Ball and nor did I instruct or encourage my staff
23 to do so.
24 "(10). I understand from document ANG000021 ..."
25 Danny, could you get up page 21 only, please. No

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1 other pages:
2 "I understand ... that a member of
3 the Gloucestershire Police seems to recall that he 'came
4 under pressure' in 1992 or 1993 which related in some
5 way to some form of interest from myself and my staff in
6 Peter Ball. This is untrue. Indeed, at the time of
7 the police investigation I had no knowledge of these
8 particular matters. It follows, therefore, that I did
9 not authorise -- and could not have authorised -- any
10 such action. And nor would I have done.
11 "(11). Likewise, I have no recollection of any
12 contact by one of my personal protection officers or
13 indeed any member of my staff with Gloucestershire
14 Police. I was clear at the time, as I have remained
15 clear, that the police must be able to carry out their
16 investigations in the proper manner without external
17 pressure or influence. We have looked at our files and
18 can find no record of any of these matters. It is
19 always possible that my name was taken in vain, as can
20 unfortunately happen from time to time. As I make clear
21 elsewhere in this statement, there is a gap between
22 rumour and fact.
23 "(12). In a similar vein, I do not recall receiving
24 a letter from Michael Ball in April 2013, as described
25 by Detective Inspector Carwyn Hughes ..."

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1 Danny, could you get up OHY000203_011, please. It
2 is the first paragraph that is the relevant paragraph:
3 "I have had conversations from the chief constable
4 who in turn has had contact from a [something] officer
5 to Prince Charles at Clarence House. It would appear
6 that Prince Charles has received a letter from
7 Michael Ball, brother of Peter, the content of which
8 I do not know. This letter has [something] instigated
9 a query of the chief constable as to material that may
10 be embarrassing to Prince Charles or the monarchy in
11 general."
12 Then:
13 "Having looked at our files, we cannot find any
14 record of such a letter. The occasional letters that
15 I did receive from Michael Ball were of a private and
16 social nature and I am not aware of any interest from
17 Sussex Police in this correspondence. Nevertheless,
18 I have made available to you copies of the private
19 correspondence received from Michael Ball, in case that
20 could help your inquiry in any way. I understand that
21 a conversation took place between Sussex Police and the
22 Metropolitan Police royalty protection team in 2013, and
23 that Sussex Police informed the Metropolitan Police that
24 they had visited Peter Ball's home and removed items
25 which included a letter sent from me. I believe the

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1 Metropolitan Police asked whether or not this letter was
2 relevant to their enquiry. I further understand that
3 the Metropolitan Police emphasised clearly that they
4 were not enquiring about the investigation itself and
5 specifically wished to avoid any appearance of influence
6 over it. They only wished to establish facts about the
7 property that had been removed and its correct
8 ownership. The Metropolitan Police were told that the
9 letter in question was not relevant and that it was to
10 be returned by Sussex Police to Peter Ball.
11 "(13). Probably late in 1994 (although I cannot now
12 be certain of the date) I recall seeing the then
13 Archbishop of Canterbury at an event and taking that
14 opportunity to ask, among other issues, about
15 Peter Ball, as he had lately been my local bishop.
16 I remember the archbishop was supportive of Peter Ball
17 and thought him a good man and priest. I do not think
18 we discussed any detail, though I recall that the
19 archbishop was perhaps thinking of 'trying to bring
20 [Peter Ball] back to a public ministry' at some stage.
21 I understood there were some complications, but these
22 were not described. As this was clearly a matter for
23 church authorities, I took no personal position on it.
24 "(14). Other than this conversation with the then
25 archbishop, I do not recall any specific conversations

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<p>1 regarding Peter Ball, although I was aware that Mr Ball 2 was himself keen to persuade the church to 'restore 3 [him] to some form of ministry in the church'. The 4 general view of members of the clergy who occasionally 5 mentioned him to me was that he was a capable and 6 well-liked priest. 7 "(15). The inquiry has asked about a note made by 8 Andrew Purkis, of Lambeth Palace, following a lunch he 9 had with my then private secretary, Richard Aylard, on 10 30 August 1994 ..." 11 This is ACE003034, please, Danny. It is the second 12 page: 13 "Richard asked me about Peter Ball. I outlined in 14 vague terms a step-by-step approach and explained the 15 need for great caution. The huge damage which could be 16 done by the media to Peter, Michael and the church could 17 not be ignored." 18 That's the note we have. 19 "My private secretary meets regularly with members 20 of the Archbishop of Canterbury's office to discuss 21 a range of matters. Having reviewed the document, it is 22 clear that the meeting took place in the normal course 23 of business and was for the purpose of discussing 24 matters other than Mr Ball. I cannot shed any light on 25 what appears to be a brief mention of Mr Ball at the end</p> <p style="text-align: center;">Page 45</p>	<p>1 It is about halfway down the page. It's the thing that 2 starts, "HS asked if EH had any view": 3 "I confirm that this is untrue: not for the first 4 time, and as the Gibb Inquiry concluded in respect of my 5 contacts with Peter Ball over the years, there is a gap 6 between rumour and fact. I did not seek any such roles 7 for Mr Ball and did not ask others to do so on my 8 behalf. 9 "(18). I regret that I am unable to shed any light 10 on references made in a letter dated 23 March 1997 to 11 a 'horrid man' or a 'frightful and terrifying man'. 12 This seems to be a manner of speaking in the midst of 13 a long letter written more than 20 years ago. I do 14 recall that Peter Ball felt that numerous individuals, 15 including his critics in the media, were doing all in 16 their power to disadvantage him unfairly. I suspect, 17 but cannot be certain, that the reference is to this 18 issue in some way. It of course needs to be read in the 19 context of my understanding at that time, namely, that 20 Peter Ball had been falsely accused of a single offence 21 (the nature of which was unknown to me) by an individual 22 whom the relevant judicial authorities and many others 23 had themselves not believed. Events later demonstrated 24 beyond any doubt, to my deep regret, that I, along with 25 many others, had been misled and the reverse was true.</p> <p style="text-align: center;">Page 47</p>
<p>1 of the meeting. I have no recollection of discussing 2 the matter. I have also been shown a copy of my letter 3 of 14 December 2001 addressed to Peter Ball. As far as 4 I can recall, this letter conveyed that I could not 5 assist Peter Ball in any approach he was thinking of 6 making to the archbishop to seek a return to public 7 ministry. I recall Peter Ball repeating this request 8 around this time and again some time later and my 9 declining to assist. It follows, therefore, I was not 10 involved in 'any discussions with Lambeth Palace' on 11 this matter. 12 "(16). You have asked about contact between myself 13 and institutions in respect of Peter Ball between 1993 14 and 2015. To the best of my knowledge and belief, 15 I have dealt with these contacts in the information 16 I have volunteered above, and I can only hope this will 17 be of some assistance to you. 18 "(17). I have been shown an extract from an 19 interview conducted by the chair of 20 the Church of England's inquiry into Peter Ball last 21 year, Dame Moira Gibb, with Elizabeth Hall of 22 the Church of England, suggesting there was some rumours 23 of an interest from me in Peter Ball being given some 24 alternative employment." 25 Can we get this up, please, Danny: INQ000682_003.</p> <p style="text-align: center;">Page 46</p>	<p>1 At the time, however, it would have followed that people 2 seeking to disadvantage Peter Ball, including from 3 gaining employment, were behaving unfairly. What I can 4 say with certainty is that I did not express this view 5 to anyone else or take any action associated with it. 6 "(19). In conclusion, I would like to state that, 7 throughout my life, my position has occasionally brought 8 me into contact with prominent people who have 9 subsequently been accused of serious wrongdoing. Rather 10 than rushing to private judgment, I have always taken 11 the view that the judicial process should take its 12 course. I am then able to ground my opinions in facts 13 tested by law, rather than hearsay. In many cases, 14 including two very prominent cases of false accusation 15 last year, this has proved a sensible course. It 16 follows that I ceased contact with Mr Ball once the 17 judicial process had concluded and he was found guilty 18 of serious offences against young people. My heart goes 19 out to the victims of abuse and I applaud their courage 20 as they rebuild their lives and, so often, offer 21 invaluable support to others who have suffered. It 22 remains a source of deep personal regret that I was one 23 of many who were deceived over a long period of time 24 about the true nature of Mr Ball's activities. That is 25 why I wanted to volunteer the facts in this letter,</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 which I believe to be true, in the hope that they might 2 be able to help your important work. 3 "Yours sincerely", and then the signature of His 4 Royal Highness the Prince of Wales. 5 There is also a schedule of extracts of 6 correspondence which the inquiry intends to disclose 7 along with this witness statement. We now propose to 8 read out those extracts. I am the Prince of Wales. 9 Mr Fulbrook is assisting me and he will be reading the 10 part of Peter Ball so that the letters make slightly 11 more sense. 12 Extracts of correspondence (read) 13 MR FULLBROOK: A letter dated 16 November 1993 from 14 Peter Ball: 15 "Life continues to be pretty nasty for me. It seems 16 that my accusers still want to continue their malicious 17 campaign. Luckily, they are beginning to show some of 18 their fraudulent plans." 19 MS SCOLDING: If I could just identify that this is 20 correspondence which has been reviewed by the 21 investigation team, which was provided to the inquiry 22 both by the Archbishops' Council and by the Prince of 23 Wales, and we have set out the extracts from the 24 correspondence which the investigation team considers to 25 be relevant from the issues which arise from the</p> <p style="text-align: center;">Page 49</p>	<p>1 "The young man who accused me keeps on harassing. 2 The last was a few weeks back with a fax threatening to 3 say more when he has agreed not to and ending with the 4 words 'your never forgiving brother in Christ". That is 5 both vile and blasphemous and, oh, that the police and 6 CPS had seen and known from the beginning the nature of 7 the young man. How I wish the archbishop or someone 8 would tell them." 9 Then there is a further extract from a letter dated 10 10 April 1996 from Peter Ball: 11 "And I can honestly share the pain of it all, having 12 tried to break the crippling and unchristian powers of 13 the ecclesiastical setup and then being deserted in my 14 hour of need." 15 MS SCOLDING: The next extract is dated 2 June 1996 from 16 His Royal Highness the Prince of Wales to Peter Ball: 17 "I am so glad that X has been in touch as 18 I requested. I pray the Duchy will be able to find 19 something suitable for you both in due course, but it 20 may take a little time to locate it. I long to see you 21 both settled somewhere that suits you and gives you 22 peace and tranquility and not too far from here so that 23 you can come over more easily." 24 Next extract, dated 23 March 1997, again from the 25 Prince of Wales to Peter Ball:</p> <p style="text-align: center;">Page 51</p>
<p>1 Peter Ball case study. 2 The second extract, dated 11 December 1994, in 3 a letter from His Royal Highness the Prince of Wales to 4 Peter Ball: 5 "I saw the archbishop the other day and he told me 6 he is trying to bring you back to a public ministry. 7 I do hope this will be all right and suit you if and 8 when it happens." 9 Next letter, 16 February 1995, the Prince of Wales 10 again to Peter Ball: 11 "I wish I could do more. I feel so desperately 12 strongly about the monstrous wrongs that have been done 13 to you and the way that you've been treated. It's 14 appalling that the archbishop has gone back on what he 15 told me before Christmas, that he was hoping to restore 16 you to some form of ministry in the church. I suspect 17 you are absolutely right, it is due to the fear of 18 the media. If it is any consolation, the archbishop has 19 written me a letter, between you and me, in which it is 20 also clear that he is frightened of the press, what he 21 calls public perception, which is in fact perception of 22 events and characters based entirely on lies, invention, 23 speculation and sensation." 24 MR FULLBROOK: The next extract, from a letter from 25 Peter Ball to the Prince of Wales dated 8 December 1995:</p> <p style="text-align: center;">Page 50</p>	<p>1 "X tells me that your house has been bought 2 successfully. It looks rather nice and I only hope the 3 rent won't be too bad." 4 Then some further discussion: 5 "I can't bear it that the frightful, terrifying man 6 is on the loose again and doing his worst ... I was 7 visiting the vicar ... and we were enthusing about you 8 and your brother and he then told me that he had heard 9 that this ghastly man was up to his dastardly tricks 10 again ... I will see off this horrid man if he tries 11 anything again." 12 The next letter, from His Royal Highness the Prince 13 of Wales to Peter Ball, dated 9 August 2001: 14 "I do, however, firmly believe that one day people 15 will be forced to signing your resignation deed but, as 16 you have been advised, I dare say that the establishment 17 will close ranks and you will get nowhere, but how 18 outrageous that now these people say sorry and only in 19 private." 20 The next extract, dated 14 December 2001, from 21 His Royal Highness the Prince of Wales to Peter Ball: 22 "I saw X the other day. He mentioned that you were 23 thinking of going to the archbishop and seemed a bit 24 anxious about it. I dare say by now you will have 25 approached the archbishop, but in your letter you so</p> <p style="text-align: center;">Page 52</p>

<p>1 kindly asked me whether I had any objections, something 2 which you certainly didn't need to do. The only thing 3 I would say is that, unless you really need to go to the 4 Archbishop of Canterbury for financial reasons 5 particularly I would have thought it might be better to 6 let sleeping dogs lie." 7 MR FULLBROOK: The next extract, dated 12 October 2009, from 8 Peter Ball to His Royal Highness the Prince of Wales: 9 "I am now nearly a broken man because of what the 10 church has put me through after 17 years of serving in 11 retirement. They have smashed me with the bully of an 12 assessor, from a child protection officer, and no 13 pastoral care, except two nice letters from the 14 archbishop. Suddenly, I am not allowed to baptise or go 15 to any parish without informing the church warden that 16 I had a caution all those years back." 17 Peter Ball included the letter from Fiona Gardner, 18 ACE001443, which in fact we saw earlier with Lord Lloyd, 19 which set out that he was being risk assessed. 20 The next extract, dated 1 May 2010, from Peter Ball 21 to the Prince of Wales: 22 "The horror that has come to me from the Bishop of 23 Chichester with the archbishop's obvious hand in it. 24 I have been told that I may not minister at all when we 25 move, nor may I worship anywhere without signing</p> <p style="text-align: center;">Page 53</p>	<p>1 (11.40 am) 2 MS BICARREGUI: Chair and panel, we are now going to hear 3 evidence from Mrs Kate Wood. 4 MRS KATE WOOD (sworn) 5 Examination by MS BICARREGUI 6 MS BICARREGUI: Mrs Wood, you should have a bundle of 7 documents in front of you, and if you could have a look 8 behind A1, you should find a copy of your witness 9 statement. Do you see that? 10 A. Yes. 11 Q. Have you had a chance to look through your witness 12 statement recently? 13 A. I have, yes. 14 Q. If you turn to I think page 38 of that witness 15 statement, you will see that your signature is redacted, 16 but is this statement still true, to the best of your 17 knowledge and belief? 18 A. It is, yes. 19 Q. Chair, I ask that this is uploaded to the website in due 20 course, and, as ever, I am not going to go line by line 21 through the statement, but cover the key topics with 22 Mrs Wood. 23 Mrs Wood, you are a safeguarding consultant and 24 a retired detective inspector? 25 A. That's correct.</p> <p style="text-align: center;">Page 55</p>
<p>1 a declaration for the protection of children." 2 Next extract, dated 25 May 2012 from Peter Ball to 3 the Prince of Wales: 4 "Right to say that the police are re-opening the 5 investigation and to question him." 6 Sorry, Peter Ball writes to say that. He says: 7 "I thought it had been fully examined 20 years ago." 8 Then the next extract, dated 3 July 2012, from 9 Peter Ball to the Prince of Wales: 10 "Life is almost unbearable. I am being pursued and 11 persecuted in ways which it would not be discreet to 12 enlarge on. Though I am sure that you can assess their 13 source and virulence." 14 Then the final extract, dated 10 December 2012, from 15 Peter Ball to the Prince of Wales. This is essentially 16 a summary. The Prince of Wales had phoned Peter Ball 17 and Peter Ball's letter gives thanks for that and says 18 that the affair of 20 years ago has been stirred up 19 again by Lambeth. 20 MS SCOLDING: Chair and panel, I don't know whether now 21 would be a convenient moment to have a short break? 22 THE CHAIR: Thank you, Ms Scolding. We will return at 23 11.40 am. 24 (11.25 am) 25 (A short break)</p> <p style="text-align: center;">Page 54</p>	<p>1 Q. You served as a Sussex police officer from 1985 until 2 2006? 3 A. Yes. 4 Q. As I understand it from your witness statement, you 5 specialised in criminal investigations which had 6 a particular emphasis on child protection and that you 7 spent several years investigating child abuse and 8 domestic abuse as a detective constable and then 9 managing a child protection team in Brighton as 10 a detective sergeant? 11 A. That's correct, yes. 12 Q. As I understand it, again from your witness statement, 13 managing the child protection team involved 14 investigating serious crimes against children and young 15 people, reviewing complex cases and assessing risk of 16 harm in those cases? 17 A. Yes. 18 Q. Then you set out that when you were a detective 19 inspector you had a strategic role initially, which 20 included child protection policy, and then an 21 operational role, which included investigations into 22 child abuse and domestic abuse? 23 A. That's correct, yes. 24 Q. During the time that you were a police officer, you 25 received training on the investigation of serious sexual</p> <p style="text-align: center;">Page 56</p>

1 offences and, as I understand it, again you had single
 2 agency and multi-agency training in child abuse on many
 3 occasions?
 4 **A. That's correct.**
 5 Q. Summarising all of that, Mrs Wood, is it fair to say
 6 that you had significant expertise in the investigation
 7 of child sex abuse and abuse against vulnerable people?
 8 **A. I'd like to think so, yes.**
 9 Q. When you left Sussex Police, we understand that you
 10 contacted the Church of England in May 2007 when you
 11 heard, I think on the radio, that it was to carry out an
 12 independent review of historic cases within the church?
 13 **A. Yes, that's correct. I heard on the radio another case**
 14 **of a priest being convicted after many years of**
 15 **the church knowing about his offending and not doing**
 16 **very much about it, and I just thought, I want to help**
 17 **with this.**
 18 Q. I'm right in saying that you didn't have any links to
 19 the Church of England at the point that you made this
 20 call?
 21 **A. No, not at all.**
 22 Q. I understand Andrew Nunn called you back in May 2008 and
 23 asked if you would like to review the files held at
 24 Lambeth Palace?
 25 **A. That's right, yes.**

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1 Q. Again, as I understand it from your witness statement,
 2 you worked at Lambeth Palace between 2008 and 2015?
 3 **A. Correct.**
 4 Q. And then a little bit of time with the national
 5 safeguarding team after that and in Chichester; is that
 6 right?
 7 **A. Yes, that's correct.**
 8 Q. If you could help the chair and panel with what
 9 Lambeth Palace was like in 2008 when you arrived, and in
 10 particular the impression that you got on arrival of its
 11 approach to safeguarding?
 12 **A. Yes. I mean, it was a bit like going back in time,**
 13 **really. You know, you literally knock on this big**
 14 **wooden door and you get taken through and it's a very**
 15 **imposing place physically.**
 16 **Safeguarding was not the forefront of the day-to-day**
 17 **comings and goings at Lambeth Palace, and, you know,**
 18 **that became quite obvious to me as time went on, more**
 19 **than the initial stages, to be honest.**
 20 **Having said that, throughout my time there, I was**
 21 **always given support and very much a feeling of openness**
 22 **and wanting to move forward with safeguarding. So it**
 23 **was a slow process, but it was going in the right**
 24 **direction.**
 25 Q. At that point, you were the only person, I think, in

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1 Lambeth Palace who had an exclusively safeguarding role;
 2 is that right?
 3 **A. That's correct. You know, for the first two/three**
 4 **years -- well, the first two years, I really was a file**
 5 **reviewer. I wasn't there as an adviser. So there**
 6 **wasn't an adviser there. So my only point of contact**
 7 **with a safeguarding professional was with the national**
 8 **safeguarding adviser, Pearl Luxon, who was on a very**
 9 **part-time basis and actually quite remote from where**
 10 **I was. So my day-to-day interaction was with**
 11 **Andrew Nunn, who you know from yesterday. He is not**
 12 **a safeguarding professional but was incredibly helpful**
 13 **and supportive if I wanted to find anything or know**
 14 **anything about the church.**
 15 Q. You described yourself during this period as feeling
 16 quite isolated within Lambeth Palace, not having any
 17 links really to other people whom you could discuss
 18 safeguarding with who had expertise?
 19 **A. Yes, that's correct.**
 20 Q. I understand that you were also working part time at
 21 this stage?
 22 **A. I was working part time, and over those years was also**
 23 **performing other roles for different dioceses at**
 24 **different times. So my time there actually was very**
 25 **limited.**

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1 Q. Again, as I understand it, you didn't have a sort of
 2 office there, you were -- I think the last couple of
 3 months you say of your time at Lambeth Palace you had
 4 a computer and somewhere to sit?
 5 **A. Yes. Resourcing -- there wasn't any resourcing. So,**
 6 **yes, I didn't have a computer, I was hot desking, trying**
 7 **to find somewhere to sit and worked a lot of the time**
 8 **from home, from a home office.**
 9 Q. I think things began to change in about 2011 when
 10 Elizabeth Hall was appointed and you said you built
 11 a good relationship with her. She was a national
 12 safeguarding adviser; is that right?
 13 **A. Yes, that's correct.**
 14 Q. Despite this good relationship, she was part time, you
 15 were part time, and, as you say, she was often away
 16 because of her national role?
 17 **A. Yes, that's correct. I mean, I knew that I could always**
 18 **go to her for advice and wise words that Elizabeth**
 19 **always had. So she was there, but it wasn't**
 20 **a face-to-face contact very often.**
 21 Q. This was in distinction, then, to a diocese where there
 22 would be a diocesan safeguarding adviser in each
 23 diocese; is that right?
 24 **A. That's correct, yes.**
 25 Q. So Lambeth Palace was different in that respect?

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1 **A. Yes, it was.**
 2 Q. Although, as I understand it, there is now somebody in
 3 Lambeth Palace who is specifically there to advise on
 4 safeguarding?
 5 **A. Yes, I think from 2016.**
 6 Q. During your time at Lambeth Palace, you saw two
 7 archbishops, I think?
 8 **A. Yes.**
 9 Q. So Archbishop Rowan Williams and
 10 Archbishop Justin Welby. Was there any discernible
 11 difference about the way that the two archbishops dealt
 12 with safeguarding issues from your perspective?
 13 **A. I had very little contact with either archbishop.**
 14 **I think I only met Archbishop Rowan twice maybe, and**
 15 **that would have been with Elizabeth Hall, in connection**
 16 **with Peter Ball. I had more contact with**
 17 **Archbishop Justin, who I felt to be much more hands-on,**
 18 **wanting to know more about safeguarding, wanting to meet**
 19 **survivors and very personable, so much easier to connect**
 20 **with. But, again, I didn't have a lot of contact with**
 21 **him.**
 22 Q. We are not going to go into detail, but you also acted
 23 as a diocesan safeguarding adviser, I think, in
 24 Southwark for a period?
 25 **A. Southwark and Chichester and I was doing a lot of past**

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1 **case review work in other dioceses as well.**
 2 Q. Was there a difference between Lambeth Palace and the
 3 dioceses in terms of -- we know there is somebody there
 4 who is dealing with safeguarding. Were there any other
 5 differences between Lambeth Palace and the dioceses?
 6 **A. Well, it's a very different day-to-day role in**
 7 **safeguarding. Because in a diocese you've clearly got**
 8 **many, many employees, many clergy, there's day-to-day**
 9 **casework coming in. Certainly in the earlier days,**
 10 **there wasn't -- you know, there weren't allegations**
 11 **coming in to be dealt with by casework at**
 12 **Lambeth Palace. I think there were one or two cases**
 13 **before Peter Ball, but that was the breakthrough, when**
 14 **more cases were coming in to be dealt with.**
 15 Q. We understand from Andrew Nunn that he would
 16 occasionally receive allegations or complaints into
 17 Lambeth Palace and he would ask you to advise him
 18 sometimes on how to deal with them?
 19 **A. He did, but, you know, most of them were to go back to**
 20 **the dioceses, so they were coming in because it was the**
 21 **archbishop, because it was Lambeth Palace, wanting help,**
 22 **but actually, it was for the diocese to then take that**
 23 **forward.**
 24 Q. In your witness statement, you refer to certain policies
 25 which were in place in the church which you describe as

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1 being safe practice at the time in 2008. But you talk
 2 about there being a gap in relation to more detailed
 3 practice guidance, especially in relation to complex
 4 cases, and cases involving bishops and high-profile
 5 individuals. When you were there, certainly, Mrs Wood,
 6 was there any such guidance to deal with in cases such
 7 as that?
 8 **A. No, there wasn't, no.**
 9 Q. Do you think that was a contributory factor in how the
 10 Peter Ball case was dealt with at the time?
 11 **A. Well, if you're talking about sort of 1992/93, then,**
 12 **yes, I'm sure if there had been policies put in place,**
 13 **it would have been very different. But I don't think,**
 14 **particularly when we were having cases come in 2011,**
 15 **2012, 2013, I think our working practices then were such**
 16 **that we were handling it in the normal way, so using my**
 17 **experience from being a DSA, we were following practice**
 18 **from Southwark particularly that had very good working**
 19 **practices.**
 20 Q. I think in your witness statement you refer to some
 21 recent guidance, some October 2017 guidance, which we
 22 don't need to turn to, but in your view, does that now
 23 cover off the more detailed guidance necessary for
 24 people working with these complex cases?
 25 **A. Yes, I think it does.**

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1 Q. So even if they hadn't had your experience, if you like,
 2 and your experience at Southwark, people would now, you
 3 think, within the Church of England be able to deal with
 4 these more complex cases more easily?
 5 **A. Yes, I do.**
 6 Q. Are there any other recommendations? I know you left
 7 Lambeth Palace in 2015 and actually -- and the church
 8 generally in about 2017. Are there any other
 9 recommendations or any things which you still think
 10 might be necessary to change?
 11 **A. To do with Lambeth Palace or more generally?**
 12 Q. Yes, sorry, it's not very specific, is it? Specifically
 13 about dealing with cases which come in and which need to
 14 be dealt with at Lambeth Palace?
 15 **A. You know, I think the procedures are so much clearer and**
 16 **so much further forward than they ever were. I would**
 17 **still worry about resilience in that role. It is a very**
 18 **stressful role and I think resilience is an issue.**
 19 **I would say that contact with police forces, I think it**
 20 **would be useful if there was a single point of contact**
 21 **as a reference in police forces, and I think that's**
 22 **still a problem, that you're having to sort of try and**
 23 **manoeuvre your way around to get to the right person.**
 24 **But, you know, it's heaps further forward than when**
 25 **I started in 2008, certainly.**

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1 Q. We are going to look back now to the first time that you
 2 saw the Peter Ball file, and my understanding is that it
 3 was your involvement with the Mellows review which led
 4 you first of all to look at the Peter Ball papers. Is
 5 that right?
 6 **A. That's correct.**
 7 Q. You say in your witness statement that this process
 8 initially felt more like a legal process than
 9 a safeguarding process, and the two other reviewers
 10 I think were lawyers. Do you think it was more
 11 concerned with disciplinary matters and Lambeth Palace's
 12 response at the time than it was with safeguarding?
 13 **A. Yes, it was. Having said that, I was on the panel**
 14 **because of my safeguarding background. So I was able to**
 15 **raise the safeguarding issues, which I did feel at the**
 16 **beginning were being forgotten. And as soon as I raised**
 17 **them, Professor Mellows was more than willing to include**
 18 **those in the review.**
 19 Q. So you felt personally that Professor Mellows was
 20 sufficiently independent of the church to be able to
 21 carry out a proper review at this time?
 22 **A. Definitely, yes.**
 23 Q. The other, I think, member of the panel was a diocesan
 24 registrar, Paul Morris. The fact they were lawyers, you
 25 didn't feel this was just managing a difficult past

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1 case, you felt fully part of the team at the time?
 2 **A. I did, yes.**
 3 Q. We have a copy of the Mellows review behind tab 6 of
 4 the bundle, ACE001425. Mrs Wood, you will be glad to
 5 hear we are not going to go through this line by line or
 6 in any great detail at all, but we are going to have
 7 a look at the terms of reference to see what it was you
 8 were doing at that time. Danny, if you could turn up
 9 002, the bottom part, the "B". Your role was to "assess
 10 the contents of the files relating to Bishop Ball and to
 11 suggest the optimum way of proceeding, having primary
 12 regard for the protection of children, and to indicate
 13 how any outstanding moral, legal and pastoral
 14 obligations and responsibilities on the part of
 15 the Church of England could be discharged."
 16 Do you see that?
 17 **A. Yes, I do.**
 18 Q. To report to the archbishop. The scope of the review we
 19 are not going to look at in detail, but if we then look
 20 at the incidents -- _009 -- at paragraph 21.2:
 21 "The statements made by the informants ..."
 22 The "informants" was the term used, I think, in this
 23 review for the people who had written letters in to
 24 Lambeth Palace in December and January?
 25 **A. Correct.**

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1 Q. "... were not referred to the police. It is regrettable
 2 and unsatisfactory that the informants were not asked
 3 whether they wished their statements to be referred to
 4 the police or invited to communicate themselves with the
 5 police.
 6 "It is even more regrettable and unfortunate that no
 7 forensic investigation of the incidents was made at the
 8 time by anyone, and we cannot tell from the file
 9 whether, had the incidents been investigated, they would
 10 have been substantiated. Taken together, however, they
 11 present a pattern; and, had the incidents been
 12 investigated and substantiated, it is likely that all or
 13 most of them would have justified the institution of
 14 either or both criminal or ecclesiastical proceedings."
 15 Mrs Wood, I don't know which parts of this review
 16 you inputted into, but is it right to say that this
 17 notion of a pattern being formed in those letters was
 18 something which you were concerned about at the time?
 19 **A. Yes, definitely.**
 20 Q. If we could go to _010, over the page, this section is
 21 very detailed and looks at the disciplinary action that
 22 was taken by Archbishop Carey in relation to
 23 Bishop Peter Ball. Again, Mrs Wood, was this your area
 24 of expertise or was this something the lawyers were
 25 looking at in greater detail?

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1 **A. This certainly wasn't my area of expertise at all.**
 2 **I knew nothing about Clergy Discipline Measures.**
 3 Q. This wasn't something you were involved in?
 4 **A. No.**
 5 Q. If we look at _015, section O, "Action by
 6 Archbishop Carey in relation to Bishop Ball: further
 7 observations", at 37.1:
 8 "There is a remarkable, and indeed shocking,
 9 difference between the lenient treatment afforded to
 10 Bishop Ball, on the one hand, and that which would be
 11 afforded to other clergy who committed comparable
 12 offences. This is so both as a matter of substance and
 13 of perception."
 14 Was that your experience from having carried out
 15 other reviews of papers?
 16 **A. It definitely was, because at that point, I was**
 17 **reviewing hundreds and hundreds of other files as well,**
 18 **and this one stuck out a mile as to the lenient**
 19 **treatment of him, yes.**
 20 Q. I should say it goes on to record that there may have
 21 been reasons for Archbishop Carey's lenient treatment,
 22 and in particular, at 37.2(b):
 23 "It is most unlikely that Archbishop Carey knew the
 24 exact details of the offence committed by Bishop Ball."
 25 And he tried to find out the details from

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1 Gloucester Police. Mrs Wood, is it true that at this
 2 point you, yourself, didn't really know the exact
 3 details of what had happened?
 4 **A. That's correct, yes.**
 5 Q. If we could go to _016, Danny, "S. No coverup",
 6 paragraph 41:
 7 "In the period between Bishop Ball's arrest and his
 8 acceptance of the caution, the church attempted to
 9 minimise its reputational damage. Furthermore, as we
 10 have stated, there was no follow-up of the information
 11 provided by the informants. However, there is no
 12 indication whatever of any deliberate attempt on the
 13 part of the church to deny or conceal from the public
 14 the facts or to present a distorted version of them."
 15 Was that your view when you were contributing to the
 16 Mellows Report?
 17 **A. It was my view, but not to forget we were basing this**
 18 **very much on what was in front of us.**
 19 Q. Lastly, Danny, _017, we start to see the
 20 recommendations. Now, the recommendations are over
 21 a large number of pages, and we are not going to go
 22 through them now because, to an extent, they are now no
 23 longer necessary to look at, mostly they have been
 24 followed up. But is it right to say, Mrs Wood, that at
 25 least one of your key concerns at this point was that

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1 Peter Ball should be subject to a risk assessment?
 2 **A. Yes, definitely. That goes back to how my input into**
 3 **the review was handled by Professor Mellows.**
 4 **Originally, the safeguarding recommendations weren't**
 5 **there, and I recall emailing him and suggesting**
 6 **certainly the risk assessment, that he shouldn't --**
 7 **Peter Ball shouldn't have unsupervised access to young**
 8 **people and children. You know, he should be dealt with**
 9 **as any other member of the clergy who was going through**
 10 **this process.**
 11 Q. Were you present when a copy was handed to Archbishop
 12 Rowan Williams in December 2008?
 13 **A. I don't recall.**
 14 Q. There was a delay, as we understand it -- Andrew Nunn
 15 gave evidence on this yesterday as well -- about
 16 implementing the indications of the Mellows review. Do
 17 you recall that?
 18 **A. I do.**
 19 Q. Certainly we have an email that suggests that
 20 by April 2009 you were very concerned that the risk
 21 assessment hadn't taken place in Bath and Wells, which
 22 is where Peter Ball was living at that point?
 23 **A. Yes, I was.**
 24 Q. I think in an email you suggested if this had been any
 25 other priest, this would have happened by now. Is that

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1 your recollection?
 2 **A. Yes, it is.**
 3 Q. After the Mellows review, you considered that it was
 4 still necessary to conduct a past cases review of
 5 the Peter Ball file. Is that right?
 6 **A. That's correct.**
 7 Q. Just very briefly for those who don't know, what was the
 8 past case review seeking to do?
 9 **A. It was seeking to ensure that all files were carefully**
 10 **read through, that anything to do with a child**
 11 **protection concern -- and in fact we went over into**
 12 **vulnerable adult concern as well -- was properly dealt**
 13 **with. So it was shared with the statutory authorities,**
 14 **that proper action was taken.**
 15 Q. There is a copy of your 2009 past cases review behind
 16 tab 2 of the bundle. Danny, if you could get up
 17 ACE003069. Again, Mrs Wood, for obvious reasons we are
 18 not going to go through this line by line, but I do want
 19 to turn to paragraphs 16 and 17, which are on _004.
 20 This, again, is to look at what you knew at this point.
 21 You have set out in some detail in the previous pages
 22 your reading of the letters which had been sent to
 23 Lambeth Palace, and at paragraph 16 you say:
 24 "In relation to the above allegations, it is
 25 important to note that none have been substantiated and

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1 to date PB has not been prosecuted for any offences
 2 apart from the caution he received for gross indecency
 3 against NT in March 1993. They do, though, present
 4 a disturbing pattern of behaviour."
 5 Then you go on to say in paragraph 17 that, in your
 6 opinion, the response to these letters was totally
 7 unsatisfactory and that none were passed to the police
 8 at this time, despite there being an ongoing
 9 investigation. Again, that echoes what you said in the
 10 Mellows review, I think, in that respect?
 11 **A. Yes.**
 12 Q. It is clear from this, isn't it, that you had very
 13 limited information at this point about the incident
 14 that had happened with Neil Todd, between Neil Todd
 15 and --
 16 **A. Incredibly limited, yes.**
 17 Q. If we could turn to paragraph 33, _006, this, Mrs Wood,
 18 I think it is fair to say -- the contents of this
 19 paragraph are the reason that you were so keen that the
 20 risk assessment happen in Bath and Wells, and that was
 21 because you had been made aware, as paragraph 33 says,
 22 that a certain person whose name had been redacted,
 23 there was concern about grooming of a 17-year-old man
 24 and Peter Ball had attended a diocesan meeting to
 25 discuss that person's behaviour. That was the reason

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1 I think -- because, of course, at this point, this is
 2 largely historic, isn't it, and there was no
 3 indication -- I think your concern that the risk
 4 assessment needed to happen was specifically as a result
 5 of this incident. Is that right?
 6 **A. It was, because this highlighted to me and to others**
 7 **that the risk was continuing. You know, so much had**
 8 **been said about Peter Ball's ill-health and frailty, and**
 9 **clearly he wasn't as frail as had been portrayed.**
 10 Q. Lastly, if we can go to _008, this is the recommendation
 11 section. What you say there is that you have already
 12 submitted the Mellows review for archbishop Dr Williams
 13 to consider and you list those recommendations again at
 14 this point because, at that point, you say they hadn't
 15 been implemented, in May 2009?
 16 **A. Yes.**
 17 Q. Again, the call for a risk assessment.
 18 **A. Yes.**
 19 Q. At this point, following your submission of this, and
 20 the concerns which -- I think Professor Mellows echoed
 21 your concerns about the more recent events in
 22 Bath and Wells, the risk assessment actually did take
 23 place at this point, didn't it?
 24 **A. Yes.**
 25 Q. Were you made aware of the results of that risk

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1 assessment?
 2 **A. I think it was a delayed response, but I -- yes, I was.**
 3 Q. Pausing there to talk about what happened in 2008/2009
 4 with your contact with the Northamptonshire Police.
 5 **A. Yes.**
 6 Q. I believe you had contact with DC Charman at that point?
 7 **A. That's correct.**
 8 Q. We are not going to go -- there was a certain amount of
 9 toing and froing about disclosing the letters?
 10 **A. Yes.**
 11 Q. But eventually those letters were disclosed, weren't
 12 they, to Northamptonshire Police?
 13 **A. They were.**
 14 Q. They were just looking at the letters which you had seen
 15 which were held on the file at Lambeth at that point?
 16 **A. Yes. I think, as far as I'm aware, DC Charman was also**
 17 **offered the opportunity to come and look through the**
 18 **files, but he didn't.**
 19 Q. So it was primarily --
 20 **A. It was just the letters he had, yes.**
 21 Q. Again, there was a certain amount of correspondence
 22 about one letter in particular, and that was in respect
 23 of someone that we are going to refer to, and I don't
 24 know if you know this, as AN-A93?
 25 **A. Yes.**

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1 Q. Who was, at the time, 17 and at school and Peter Ball
 2 had asked him to masturbate in front of him. Do you
 3 recall that letter?
 4 **A. I do.**
 5 Q. You had some concerns, I think, at the time, at least,
 6 that that was an offence and that it could potentially
 7 be proceeded with. Do you recall that?
 8 **A. I do, yes.**
 9 Q. I don't think we need to go into the file notes in great
 10 detail, because, as I understand it, you now -- what's
 11 said is that there was no offence. In fact, it was an
 12 offence of gross indecency, but what you didn't realise,
 13 I think, at the time, is that was time barred?
 14 **A. Yes. The reasons given to me why it wasn't an offence,**
 15 **that is what I was disputing. I hadn't realised it was**
 16 **time barred.**
 17 Q. I think you now accept that the advice on the law from
 18 the CPS was correct, that it couldn't be proceeded with
 19 at this stage?
 20 **A. Yes.**
 21 Q. There was also, I think, contact with Sussex Police in
 22 2010?
 23 **A. Yes.**
 24 Q. Again, this is in paragraphs 79 to 82 of your witness
 25 statement. I think an officer came again to

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1 Lambeth Palace and looked at the letters?
 2 **A. Yes, two officers did. I mean, that was very much**
 3 **through the DSA at Chichester at that time, but I was --**
 4 **I wasn't there, but I was aware they were visiting and**
 5 **going through the files, yes.**
 6 Q. Again, your understanding was, I think, that they looked
 7 at the letters, they didn't look at anything else at
 8 that point. Is that right?
 9 **A. No, I think they looked at the whole -- the sort of**
 10 **cabinet of files, is my understanding.**
 11 Q. At that point, their conclusion as well that there were
 12 no further criminal offences disclosed?
 13 **A. Correct.**
 14 Q. From your understanding at that point, did you have any
 15 concerns, or were you content with the matter?
 16 **A. I wasn't content. I had huge concerns. I was so**
 17 **frustrated that there wasn't digging going on. I wanted**
 18 **someone to go and investigate and sort of dig a bit**
 19 **further, because it just didn't make sense to me at that**
 20 **point. Clearly, I now know that so much happened that**
 21 **I wasn't aware of, but at that point, it didn't make**
 22 **sense. He'd had a caution. It didn't make sense that**
 23 **other offences hadn't been properly investigated.**
 24 **I just wanted someone to look at it to reassure me that**
 25 **this had been properly looked at.**

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1 Q. Is that something which you discussed with
2 Elizabeth Hall which triggered the files being -- from
3 all the dioceses being taken to Lambeth to be reviewed?
4 **A. I was always discussing it, sorry, so probably I was**
5 **discussing it with Elizabeth, yes.**
6 Q. In 2012, then, a decision was taken to get all of
7 the files to Lambeth?
8 **A. Yes.**
9 Q. And for you to review them?
10 **A. Correct.**
11 Q. Were you expecting to find anything new in the diocesan
12 files?
13 **A. Naively, I wasn't. I really thought that after the**
14 **amount of conversations I'd had over the years with the**
15 **DSA at Chichester, the DSA at Bath and Wells, with**
16 **people at Lambeth Palace, I couldn't think that there**
17 **was anything still in files that hadn't been spoken**
18 **about, and particularly because I'd had meetings with**
19 **Shirley Hosgood and Fiona Gardner and the three of us**
20 **shared concerns, it's like, where do we go with this?**
21 **You know, two police forces looked at it, there were no**
22 **offences disclosed, so where do we go with this? So,**
23 **no, I wasn't expecting what I then found.**
24 Q. So Shirley Hosgood from Chichester and Fiona Gardner
25 from Bath and Wells?

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1 **A. Sorry, yes.**
2 Q. In fact, in the Chichester file you found a copy of
3 Brian Tyler's reports?
4 **A. Correct.**
5 Q. Can you tell us how you felt when you read the
6 Brian Tyler report?
7 **A. I can vividly remember reading the Brian Tyler report.**
8 **I was on my own in a big office at Lambeth Palace. It**
9 **was leading up to Easter weekend. There was nobody**
10 **around. I literally thought I was going through another**
11 **dusty file of more duplicate information about**
12 **Peter Ball and suddenly I find this, and I was shocked,**
13 **I was angry. I was really angry that I hadn't been made**
14 **aware of this before. You know, for three -- four years**
15 **we had been talking about this case and where had the**
16 **Tyler Report been?**
17 Q. As a result of this report, you wrote a further past
18 case review, and that's behind tab 3 of the bundle.
19 Danny, ACE005779. Again, this is a very detailed
20 report, Mrs Wood, so we are not going to go through it.
21 I think if we look at some of what you wrote at the time
22 about the discovery of the private investigator's
23 report. That starts at _006. I think it is probably
24 fair to highlight the part in bold, the note of warning
25 at the bottom:

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1 "Whilst the content of Reverend Tyler's reports are
2 deeply concerning and make convincing reading, they may
3 only relate to his perception of events as opposed to
4 the facts. The authenticity of his reports has not yet
5 been challenged and may differ to the recollection of
6 the Gloucester police officers. It may well be that my
7 concerns were unfounded, that there was indeed a full
8 and transparent police investigation at the time and
9 that relevant information was passed between police
10 forces. However, based on Reverend Tyler's reports,
11 I feel that this should not be assumed."
12 **A. Correct. I'm glad I wrote that.**
13 Q. If we look at _008, please, "Allegations by Neil Todd".
14 In particular, halfway down, you say:
15 "Reverend Tyler reports: ..."
16 This is the quote that we see:
17 "'At the second conference, in the presence of
18 the instructing solicitor and counsel, I saw Peter Ball.
19 It must be remembered that up until this time he was
20 still writing letters to many friends and clerics
21 denying the offence and pretesting his innocence. I was
22 very frustrated, at this meeting at the pussy-footing of
23 the lawyers and I said to Peter, "Do you know what
24 indecent assault is?" He replied, "What do you mean?"
25 I then explained to him in simple language the

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1 definition of indecent assault. He replied, "Oh, yes,
2 I did do that". I then explained to him what gross
3 indecency was and he again replied "I did have an
4 emission".
5 "In addition:
6 "I explained to him what indecent assault was and
7 what gross indecency was and after a few moments he
8 agreed that he had in fact had an erection and had
9 reached a climax during the encounter with Todd".
10 So this was the first time, was it, Mrs Wood, that
11 you had an understanding of the facts which formed the
12 basis of the caution in 1993?
13 **A. It was, and I couldn't really believe what I was**
14 **reading. You know, having read letters and letters**
15 **protesting innocence and saying it was just lying naked**
16 **with Neil and to now read this to see that actually he'd**
17 **admitted it.**
18 Q. Another thing it seems that struck you from reading this
19 report about Brian Tyler's report is what you describe
20 as the scale of the police investigation. That's at the
21 top of _009. We are not going to go through this in
22 detail, but some of the things you point out are that
23 there had been concerns and interviews in Cambridge
24 which had led to allegations of gross indecency, GBH and
25 ABH, as well as allegations from all over the country.

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1 Do you remember that was part of what you were
 2 reading?
 3 **A. I do.**
 4 Q. The report led you to have some concerns about how the
 5 various police forces had been investigating the
 6 incidents?
 7 **A. Yes.**
 8 Q. Your summary of concerns is at _019. Not all of these
 9 concerns are now live, for various reasons you know
 10 about. But it is clear at this point that you are very
 11 concerned that something needs to be done about the
 12 Peter Ball file?
 13 **A. Yes, I was.**
 14 Q. As a result, you immediately spoke to Elizabeth Hall
 15 about this?
 16 **A. Yes, that same evening, yes.**
 17 Q. I understand that Elizabeth proposed a way forward,
 18 which involved not speaking to any particular police
 19 force at that time?
 20 **A. Yes. It wasn't clear which police force we should be**
 21 **going to, and also I think after all those years of**
 22 **knocking on doors of police forces and not getting very**
 23 **far, we wanted to make sure that we went to the right**
 24 **person.**
 25 Q. In April 2012, and this was as a result of Elizabeth

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1 making some arrangements, you met with Peter Davies, who
 2 was the chair of ACPO, which is the Association of Chief
 3 Police Officers, is that right?
 4 **A. In fact he was CEOP, I don't know his exact title but**
 5 **the director of CEOP.**
 6 Q. Chief executive of CEOP as well?
 7 **A. I think it was both, yes, that's right.**
 8 Q. Behind tab 12, we see the minutes of that meeting.
 9 ACE005795. Would it be right to say that the result of
 10 this was that you were going to do some follow-up work
 11 to look for some of the alleged perpetrators that you
 12 had ascertained from the Brian Tyler report and also to
 13 see whether or not you could find any evidence of other
 14 victims?
 15 **A. Yes, correct, because, at that point, other names had**
 16 **been mentioned in the Tyler Report which needed further**
 17 **investigation.**
 18 Q. We have a copy of that addendum report behind tab 4 of
 19 the bundle, ACE005899. As part of the work that you did
 20 for this addendum, you also, I believe, spoke to the
 21 Reverend Dr Ros Hunt?
 22 **A. I did.**
 23 Q. Do you remember the conversation you had with her?
 24 **A. Very much so, yes.**
 25 Q. What was it about that conversation that you remember so

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1 vividly?
 2 **A. I was still at the stage of "I can't believe there was**
 3 **all this there that I didn't know about", so to think**
 4 **that she had counselled, supported, you know, these**
 5 **young men, and I didn't know, and it wasn't on the**
 6 **Lambeth files. I was talking to her and the great work**
 7 **she'd done, I was reassured to some degree but also**
 8 **shocked that this wasn't on the Lambeth files.**
 9 Q. In this report, you identify a number of people who need
 10 to be followed up --
 11 **A. Yes.**
 12 Q. -- as I understand it, and a number of geographical
 13 areas which need to be looked at?
 14 **A. Yes.**
 15 Q. You also identify -- this is at _007 -- a number of
 16 potential witnesses. So you were doing a fair amount at
 17 this stage, Mrs Wood, of investigative work, if I can
 18 put it like that?
 19 **A. Yes.**
 20 Q. Why did you feel that was necessary?
 21 **A. Because I wanted to be able to present to whichever**
 22 **police force we were advised to go to enough information**
 23 **for it not to be ignored.**
 24 Q. If we look at _013, we see your summary, the result of
 25 all the work that you've done to date on this. You say:

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1 "This addendum report should be read in conjunction
 2 to the initial report ..."
 3 You then go on to say:
 4 "Following these further enquiries, it seems likely
 5 that almost all of the offences thought to have been
 6 committed by Bishop Peter Ball occurred in the
 7 Sussex Police area. My recommendation is that the
 8 information contained within the two review reports are
 9 passed to Operation Perry for their attention."
 10 **A. Yes.**
 11 Q. Is that what happened, Mrs Wood?
 12 **A. I believe, actually, that Peter Davies made a contact**
 13 **with the Chief Constable of Sussex first of all to sort**
 14 **of pave the way. But ultimately that is what happened.**
 15 Q. At this point, we are at I think May 2012?
 16 **A. Yes.**
 17 Q. What eventually came out of this is Operation Dunhill?
 18 **A. Yes.**
 19 Q. In your witness statement, you describe an unprecedented
 20 level of cooperation and co-working between the church
 21 and the police in respect of Operation Dunhill?
 22 **A. Absolutely. Yes. It was -- I don't think it's happened**
 23 **before, and I really hope it happens again, for both --**
 24 **the police found it useful and we certainly did.**
 25 Q. You were part of the core team meetings, as I understand

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1 it?

2 **A. I was.**

3 Q. What do you think were the main benefits of that working

4 relationship?

5 **A. The flow of information. You know, as we know, in**

6 **safeguarding, that is essential, and it meant that I was**

7 **getting first-hand information from the SIO**

8 **Carwyn Hughes and I was then able to establish what**

9 **I needed to pass on. I then knew where to go to get**

10 **information that Carwyn required. So it was a real sort**

11 **of pooling of resources.**

12 Q. Mrs Wood, it occurs to me there is an issue I haven't

13 touched on which is, when all of the files were

14 assembled in Lambeth, a number of dioceses were called

15 on to give you their diocesan files in relation to

16 Peter Ball?

17 **A. Correct.**

18 Q. I think there was only one concern in relation to the

19 Gloucester diocese, where in fact the registrar,

20 Chris Peak, I think had given the files to another

21 lawyer when Peter Ball had moved, and that other lawyer

22 had had them destroyed in the usual way. Other than

23 that incident, do you think there were any other

24 problems with the sharing of information between

25 dioceses?

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1 **A. Not that I was aware of.**

2 Q. Again, I think at the stage you do the Mellows review,

3 you have nine files in respect of Peter Ball. What did

4 it look like once you got to 2012? How many files were

5 you looking at at that point?

6 **A. There was a significant pile of files at Lambeth Palace**

7 **at that point. I mean, I think Andrew said yesterday --**

8 **Andrew Nunn said yesterday that a lot of it was**

9 **duplication. Most of it was duplication. And, really,**

10 **it was the Chichester correspondence file that had this**

11 **new information.**

12 Q. The inquiry has become aware that there was a meeting

13 between Peter Ball and the Archbishop of Canterbury just

14 after Peter Ball was arrested in December 1992 and that

15 Frank Robson was there as well. There is no note of

16 that meeting that the inquiry can find in any of

17 the information which has been disclosed. Do you recall

18 ever reading anything which recorded that meeting

19 between the archbishop and Peter Ball?

20 **A. I don't, and I think, if it had been in the Lambeth**

21 **files, I would have remembered that.**

22 Q. You think you would have remembered?

23 **A. I do.**

24 Q. Can you think of any explanation about why you haven't

25 seen a note of that conversation?

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1 **A. No. I mean, I thought that anything held at**

2 **Lambeth Palace was in the filing cabinet that Andrew**

3 **presented to me and I had full access to. I now realise**

4 **there were some other papers held in Archbishop Carey's**

5 **office, et cetera, or the library, that I wasn't aware**

6 **of, so whether it was there, I don't know.**

7 Q. Are you confident that those areas have now been checked

8 to look for information in respect of Peter Ball?

9 **A. As confident as I can be.**

10 Q. Mrs Wood, you were in contact with Neil Todd in 2012?

11 **A. I was.**

12 Q. You set out in your witness statement some of

13 the context of that, and you wrote a summary of

14 the contact you had I think which can be found at

15 ACE006334. There is no need to get that up at the

16 moment.

17 As far as you knew, who was it who first made

18 contact with Neil Todd in Australia?

19 **A. As far as I'm aware, it was a BBC reporter,**

20 **Colin Campbell.**

21 Q. At the stage that you were contacted by Neil Todd --

22 I think he contacted you via Colin Perkins?

23 **A. Yes, correct.**

24 Q. At that stage, you say in your witness statement that

25 the Sussex Police were only at that stage reviewing the

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1 information that you had given them; is that right?

2 **A. Yes, there wasn't an investigation at that point.**

3 Q. So the reports we see here, the 2012 report, for

4 example, where you have the list of witnesses and you

5 have done a lot of the leg work, but at this stage they

6 are just looking at that?

7 **A. Correct, yes.**

8 Q. That made you concerned that perhaps, if lots of things

9 got into the press, that would prejudice the

10 investigation; is that right?

11 **A. I was very concerned about that, yes.**

12 Q. You said that did have an effect on the way that you

13 communicated with Neil Todd; is that right?

14 **A. I think to some degree -- in fact, looking back at the**

15 **emails between myself and Neil, I'm not sure they would**

16 **have been any different, but I was very aware that**

17 **anything I was saying to Neil could well be on the**

18 **BBC News that night and I didn't want to jeopardise this**

19 **chance of a further investigation.**

20 Q. You say, I think, anyway, that you felt you could give

21 him a reasonable amount of information?

22 **A. Yes.**

23 Q. And you also put him in touch with Sussex Police; is

24 that right?

25 **A. I can't remember how that happened, but certainly I was**

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1 **aware that he was in touch with Sussex Police. I can't**
 2 **remember whether that was me or Colin Perkins who made**
 3 **that contact.**
 4 Q. How would you characterise the emails you received from
 5 Neil Todd? You received a number I think at this time?
 6 **A. I did. He, I think, was surprised this was being raised**
 7 **again. He was very calm about it, I felt. He wanted**
 8 **information, and why wouldn't he? I wanted to give him**
 9 **as much information as I could, but, for the reasons you**
 10 **have outlined, I had to be a bit careful.**
 11 **I didn't have any emails from him that showed any**
 12 **great distress at that point. He was obviously anxious,**
 13 **and he wanted information. But he was very calm and**
 14 **composed with his emails. I could tell he was also very**
 15 **angry at the church, and, again, why wouldn't he be? So**
 16 **I tried to support him through that.**
 17 Q. In your witness statement at paragraph 149 you refer to
 18 the fact that in his later emails in particular he was
 19 clearly angry with the church --
 20 **A. Yes.**
 21 Q. -- and was feeling anxious. You refer to an email --
 22 I think the reference is wrong, but the correct
 23 reference is ACE001870. This is an email to
 24 Jeremy Pryor. Why is it that you have this email,
 25 Mrs Wood?

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1 **A. I can only think that Jez, Jeremy, copied me in on it,**
 2 **I think.**
 3 Q. You think Jeremy copied you in or did Neil Todd copy you
 4 in? The reason I say that is in your summary you seem
 5 to think that Neil copied you in when he wrote this to
 6 Jeremy?
 7 **A. I don't know, sorry.**
 8 Q. That's all right. Don't worry about that. If we can go
 9 down to the fifth paragraph of the long email that
 10 begins, "So the difficulty". I think this is the email
 11 you are referring to in your witness statement:
 12 "So the difficulty of the black-and-white events of
 13 Peter Ball's behaviour are not in the acts themselves --
 14 but the fact that he corrupted my genuine search for
 15 something good with acts which were obviously
 16 intentional for his own sexual gratification in the
 17 guise of a wise teacher nurturing and caring of a young
 18 seeker, aspiring to good intentions.
 19 "When he denied his behaviour, this struck at my
 20 deepest conscience -- it was then that the reality of
 21 what I allowed him to do -- was not moral. The reality
 22 that his behaviour was not for my good or inspirational
 23 guidance.
 24 "He only had to admit that what he did -- actually
 25 occurred -- this would then have made some sense to me.

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1 If he could admit that lying on top of me naked, his
 2 ejaculations, the naked showers under his instruction,
 3 the threat of physical beatings was all part of his
 4 unique path to spiritual guidance, was normal, then
 5 maybe we could have accepted that his intentions were
 6 good, just unusual. But his denial of all that occurred
 7 resulted in deep disillusionment. I personally felt
 8 ashamed for allowing this behaviour to occur, for
 9 allowing myself to be so gullible and not question or
 10 seek guidance earlier. This could have redirected my
 11 path. I could have joined a true community and been
 12 guided appropriately. The church should also have
 13 showed a greater deal of support but to dismiss me after
 14 the incident with no due care, simply resulted in full
 15 disillusionment with the institution as a whole.
 16 I genuinely felt the church was covering up, but at the
 17 worst it affected my personal relationship with God and
 18 my genuine search in faith. When Peter accepted
 19 a caution, he stated with penitence and sorrow he was
 20 accepting the police caution, but, again, the church was
 21 saddened by his resignation.
 22 "All I want is the truth to be known without
 23 suspicion. I want Peter to admit in black and white
 24 that the events that took place did take place -- that
 25 none of this was my imagination -- nor my fault. I want

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1 the black-and-white questions to be answered.
 2 "I would also request that the church take
 3 responsibility for not acknowledging nor supporting nor
 4 investigating my concerns.
 5 "I heard that Peter had a new candidate when I was
 6 based in London -- I wonder if he too experienced
 7 similar behaviour.
 8 "I have survived all this, led a normal life --
 9 I changed direction after a few years of rebellion, to
 10 say the least, and commenced training as a registered
 11 nurse. I have been qualified since 1999 and have been
 12 working as director of nursing for indigenous
 13 communities in Australia. I have a loving and
 14 supportive partner of 18 years and am generally
 15 considered normal.
 16 "Unfortunately, I never had counselling to deal with
 17 nor work through the emotions that occur after such
 18 a personal incident -- but, yes, I can accept that
 19 Peter Ball's behaviour has left its mark. I am not
 20 a vindictive person -- I only wish for an
 21 acknowledgement that my experience was a reality and
 22 that all Church of England hierarchical parties take
 23 a share in the responsibility of their inaction.
 24 "Regards, Neil."
 25 You recall that you received that email, Mrs Wood?

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<p>1 A. Yes.</p> <p>2 Q. As a result of this, I think, you and Andrew Nunn</p> <p>3 discussed whether and how the church could help</p> <p>4 Neil Todd with some form of counselling; is that right?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. You also I think discussed the possibility of an apology</p> <p>7 from the Archbishop of Canterbury at some point?</p> <p>8 A. Yes. I mean, it was obviously too early a stage for</p> <p>9 that to happen, but it was discussed, yes.</p> <p>10 Q. At the point that you were discussing this, you didn't</p> <p>11 at that point think this was urgent?</p> <p>12 A. No, I didn't.</p> <p>13 MS BICARREGUI: Chair and panel, I have no further questions</p> <p>14 for this witness.</p> <p>15 THE CHAIR: Mr Frank?</p> <p>16 Questions by THE PANEL</p> <p>17 MR FRANK: Just one question, please. You touched on it</p> <p>18 a bit with a question from counsel, but I'm really</p> <p>19 concerned to ask you about the files that you had. You</p> <p>20 have described them. They grew over time.</p> <p>21 A. Yes.</p> <p>22 MR FRANK: But can I ask you just to be directed to</p> <p>23 a document ACE006861_002. If that could be brought up</p> <p>24 on the screen. It is an email from Andrew Nunn to you</p> <p>25 and Elizabeth Hall is copied into it. It is</p> <p style="text-align: center;">Page 93</p>	<p>1 following information to the attention of all core</p> <p>2 participants and the inquiry, in the form of a letter</p> <p>3 that we have been sent from Harbottle & Lewis, who are</p> <p>4 the solicitors representing His Royal Highness the</p> <p>5 Prince of Wales.</p> <p>6 This is in response to various queries which have</p> <p>7 been raised via Clarence House press office and to the</p> <p>8 inquiry itself as to the nature of the Duchy of Cornwall</p> <p>9 estates and property and ownership. They are happy to</p> <p>10 share this with us in order to clarify questions which</p> <p>11 have arisen. This says as follows:</p> <p>12 "Following the leak of a draft copy of the Prince of</p> <p>13 Wales' witness statement to the Inquiry Into Child</p> <p>14 Sexual Abuse, several questions have arisen in relation</p> <p>15 to a house belonging to the Duchy of Cornwall that was</p> <p>16 presented by the Ball brothers. Details around the</p> <p>17 purchase and its subsequent letting have been</p> <p>18 erroneously reported in the media and should be</p> <p>19 corrected. The first point relates to ownership. The</p> <p>20 property in question was one of a number purchased</p> <p>21 around that time by the Duchy of Cornwall. When</p> <p>22 a property is purchased by the Duchy, the title deeds</p> <p>23 will list the Prince of Wales as the owner. This is not</p> <p>24 because he purchased the property personally, as has</p> <p>25 been suggested, but, rather, because the</p> <p style="text-align: center;">Page 95</p>
<p>1 from September 19, 2012. It is really him telling you,</p> <p>2 Andrew Nunn telling you, that, as he'd mentioned to you</p> <p>3 the day before, "We've found another file" -- this is in</p> <p>4 2012 now -- "with Carey's private correspondence about</p> <p>5 PB on it. Seeing what's on it, I suspect that Carey</p> <p>6 either destroyed or took with him correspondence of</p> <p>7 a more confidential, serious nature. It might be worth</p> <p>8 the police asking him. Also, I suspect that I merely</p> <p>9 now have the originals of things already seen in 'my'</p> <p>10 file. The following jump out at me ..."</p> <p>11 And he comments on certain number of</p> <p>12 the correspondence in that file. Can I ask you, did</p> <p>13 you, yourself, ever see that file?</p> <p>14 A. No, I didn't.</p> <p>15 MR FRANK: Do you know where Andrew Nunn found it?</p> <p>16 A. I don't, actually.</p> <p>17 MR FRANK: Thank you. That's all I ask.</p> <p>18 A. Sorry.</p> <p>19 THE CHAIR: Thank you very much, Mrs Wood. There are no</p> <p>20 further questions.</p> <p>21 (The witness withdrew)</p> <p>22 MS BICARREGUI: Thank you, chair. We are now going to hear</p> <p>23 evidence from Dame Moira Gibb.</p> <p>24 MS SCOLDING: Just before we hear evidence from Dame Moira,</p> <p>25 chair and panel, I have been asked to bring the</p> <p style="text-align: center;">Page 94</p>	<p>1 Duchy of Cornwall is not a legal entity but a private</p> <p>2 landed estate. As a result, all the properties within</p> <p>3 the Duchy estate are registered at the land registry in</p> <p>4 the name of the beneficiary, who was then, and remains</p> <p>5 today, His Royal Highness Charles Philip Arthur George,</p> <p>6 Prince of Wales, Duke of Cornwall and Rothesay, Earl of</p> <p>7 Chester and Carrick, Baron of Renfrew, Lord of the Isles</p> <p>8 and Great Steward of Scotland. On the matter of</p> <p>9 tenancy, whilst it is the case that the property was</p> <p>10 rented by the Ball brothers, they were not the only</p> <p>11 tenants. It was subsequently relet after their</p> <p>12 departure in 2011 before it was ultimately sold in</p> <p>13 2015."</p> <p>14 The inquiry is grateful to Harbottle & Lewis for</p> <p>15 bringing these matters to our attention.</p> <p>16 If I may now pass on to the questioning of</p> <p>17 Dame Moira Gibb.</p> <p>18 DAME MOIRA GIBB (sworn)</p> <p>19 Examination by MS SCOLDING</p> <p>20 MS SCOLDING: Good afternoon, Dame Moira. Thank you very</p> <p>21 much for coming to the inquiry. I just have a few</p> <p>22 preliminary points for you. Firstly, to identify that</p> <p>23 this isn't a test of memory. So if you have any notes</p> <p>24 or if you need to refer to any documents, please feel</p> <p>25 free to do so.</p> <p style="text-align: center;">Page 96</p>

1 Secondly, we can stop as often as you wish, and as
 2 many times as you wish, for whatever reason, so please
 3 indicate to me if that is the case.
 4 Thirdly, can I ask you to turn to -- you should have
 5 a bundle of documents in front of you. Could I ask you
 6 to turn to tab A/1 of that bundle, which is the witness
 7 statement that you have given to the inquiry. For
 8 everybody's note, it is ANG000303. It is six pages in
 9 length. May I ask if you could turn to the last page?
 10 **A. Yes.**
 11 Q. Can I just double-check, have you had an opportunity to
 12 read this witness statement recently?
 13 **A. Yes, I have.**
 14 Q. Is it true, to the best of your knowledge and belief?
 15 **A. It is.**
 16 Q. Dame Moira, perhaps you could tell us a little bit about
 17 your background and how you came to be appointed to
 18 drafting or being ultimately responsible for the
 19 independent Peter Ball review "An abuse of faith" which
 20 was published in June last year?
 21 **A. I have had a long career in social work and social work**
 22 **management, a long engagement with policy development**
 23 **around Children's Services in particular, and since**
 24 **giving up executive roles, I have worked with local**
 25 **authorities around improving their children's services**

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1 **and I also chaired the Southbank School Serious Case**
 2 **Review in 2016, which I think was the reason I was**
 3 **approached by the church to lead this review.**
 4 Q. What knowledge did you have of the Church of England
 5 before writing this report?
 6 **A. Well, it turned out I had a lot less than I thought**
 7 **I had. The church was looking for someone who was**
 8 **independent of the church, and therefore I and my team**
 9 **were all, by definition, newcomers to the church, which**
 10 **caused us some difficulties in coming to understand it.**
 11 **But we were novices in church complexity.**
 12 Q. I'm assuming one of the things you had to do was learn
 13 all about the different hierarchies and different
 14 managements and organisations which existed within the
 15 church?
 16 **A. Absolutely. We did try to do that systematically, but**
 17 **also individuals would, in speaking to us, explain**
 18 **things, but I wouldn't like to be tested on them now.**
 19 Q. Don't worry, I'm not about to, for fear that both you
 20 and I would demonstrate our demonstrable lack of
 21 knowledge.
 22 You had a team that was working with you. Perhaps
 23 you would like to tell us a little bit about them?
 24 **A. I had a small team. A wonderful administrator who kept**
 25 **us on the straight and narrow, and three other**

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1 **colleagues, all of whom had deep and relevant experience**
 2 **and were, in my view, extremely wise. Kevin Harrington**
 3 **had been involved in very many reviews -- more than all**
 4 **of the rest of us put together -- but I think the**
 5 **combination of knowledge and experience was exceptional.**
 6 Q. If anybody is interested, the review team is set out at
 7 appendix B of your review, so that's INQ000560_079 to
 8 _080. That identifies it was yourself,
 9 Kevin Harrington, Ms Schroeder CBE, Mr Reilly and
 10 Ms Chapman, who you describe as the administrator who
 11 kept you all on the straight and narrow.
 12 Can I identify now, what were the terms of reference
 13 of your review and what was the aim of it, from your
 14 perspective?
 15 **A. The terms of reference, in particular the objectives in**
 16 **section 1 at appendix A of our report, I would summarise**
 17 **as saying that it was to set out for the public, as well**
 18 **as for survivors and the church, a clear narrative of**
 19 **what had actually gone wrong and what Peter Ball had**
 20 **done and how the church had responded to it. And from**
 21 **that to develop recommendations for the church in order**
 22 **to avoid such failures in the future.**
 23 Q. What were the limits of your review? You say you were
 24 really engaged with the church. Were you engaged in
 25 examining any of the other institutions with which

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1 Peter Ball had been involved?
 2 **A. We were obviously appointed by the church and their**
 3 **focus was on learning particularly about what the church**
 4 **had done and what the church had to learn, but it**
 5 **couldn't do that -- or we couldn't do that effectively**
 6 **without reference to other agencies' contribution, but**
 7 **we were principally concerned with the church.**
 8 Q. So, therefore, any recommendations you made were focused
 9 upon what the church might need to do rather than any
 10 other agency?
 11 **A. Absolutely.**
 12 Q. What access did you have to documents, both from the
 13 church but also from other institutions?
 14 **A. We had access to all the records that the church had**
 15 **available, that they knew of, so there were no**
 16 **difficulties in accessing information. Because, again,**
 17 **we were not appointed by the other agencies, there were**
 18 **some difficulties with information from them.**
 19 Q. Which agencies were there difficulties with information
 20 from and do you know why?
 21 **A. We did not receive any information from the**
 22 **Northamptonshire Constabulary and limited information**
 23 **from Gloucestershire Constabulary. We tried very hard**
 24 **to get access to victim impact statements and we pursued**
 25 **various routes to get access to those but were**

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1 **unsuccessful in the end.**
 2 Q. Now, you indicate both in your witness statement and
 3 also within the review itself that you felt that part of
 4 your role was to tell the story of what happened, or the
 5 narrative of what happened. Why did you adopt that
 6 approach? Because it is quite narrative -- the first
 7 kind of 50 pages of your review report really are
 8 narrative rather than anything else?
 9 **A. Well, I think that, actually, without the understanding**
 10 **of how and why these things happened as far as we could**
 11 **determine them, it's very hard for people to learn from**
 12 **them. There were -- a lot of this information that we**
 13 **have put together was in fact in the public domain, but**
 14 **not in a way that people could understand, so they took**
 15 **perhaps, looking back on it, a different story, an**
 16 **inaccurate story, from the way that it was presented in**
 17 **aspects of the media.**
 18 **But also, I have to say that it's my approach that**
 19 **if I haven't got a story, as it were, it's very hard to**
 20 **deal with the facts of it in a comprehensible way.**
 21 Q. Now, as part of that, you sought to speak to a large
 22 number of individuals. Were there any individuals or
 23 organisations who refused to speak to you and, if so,
 24 who were they?
 25 **A. Well, I mentioned the police services in particular.**

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1 **Certainly we obviously spent a lot of time trying to**
 2 **make ourselves known to victims and survivors of**
 3 **Peter Ball. Some of those, for a variety of reasons,**
 4 **chose not to speak with us.**
 5 **But we tried to make ourselves -- we contacted**
 6 **people -- as the story developed, as it were, we learned**
 7 **about other individuals who could make contributions,**
 8 **and so we were often pursuing people rather late on in**
 9 **the day, but still trying to make the story as**
 10 **comprehensible as well.**
 11 Q. So when you first got the set of documents, there
 12 wasn't, for example, a dramatis personae which
 13 identified this was the person who did that. To
 14 a certain extent, did you have to do some forensic work
 15 yourself to try to work out who it was who would have
 16 been in office at any particular time or who might be
 17 able to assist you with various issues?
 18 **A. We were greatly helped by the work of John Alpass, whom**
 19 **the church had employed to in fact try to develop**
 20 **a chronology, and he was working on a previous**
 21 **chronology that a lawyer who had been brought in by the**
 22 **church had tried to develop, and that was a great help**
 23 **in just framing where we were trying to get to and**
 24 **understand.**
 25 **But, yes, who was who: the Bishop at Lambeth, the**

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1 **Bishop of Lambeth, all those kind of complexities or**
 2 **lack of knowledge on our part. It took us time to**
 3 **figure out who was who and what was what.**
 4 Q. You also say in your report that you wrote to the
 5 relevant director of adult services and children's
 6 services. Were they able to provide you with any
 7 relevant information?
 8 **A. As far as I can recall, although we got responses from**
 9 **all of those that we wrote to, we weren't supplied with**
 10 **any information that was relevant to the review.**
 11 Q. Can I just identify here, just for the avoidance of
 12 doubt, that of course your review wasn't a statutory
 13 review, so you had no power to compel material.
 14 Therefore, furthermore, both the police forces may have
 15 been reluctant to have provided you with information
 16 absent a formal court order, because they may have felt
 17 it would have been a breach of their own duties of
 18 confidentiality and the information they would have
 19 obtained during the course of criminal investigation.
 20 Was that the explanation they gave to you?
 21 **A. It was certainly an explanation. We did call on the**
 22 **assistance of your inquiry in that, and the solicitor to**
 23 **the inquiry was extremely helpful. But it didn't**
 24 **encourage the police services under discussion to give**
 25 **us the information we were seeking.**

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1 Q. The conclusions that you reached about the church have
 2 not in full been accepted by everyone, and certainly in
 3 particular Lord Carey within his witness statement
 4 raises a number of concerns about your conclusions. Can
 5 I take you, please, to paragraph 5.1.7 of your report,
 6 if I may, page 52 of your report, INQ000560_052.
 7 I think I preface this by saying the reason this is
 8 important is because this particular portion has been
 9 focused on, shall we say, to the exclusion of, maybe,
 10 the other very valuable work in your report. You say:
 11 "Lord Carey's statement to this review contests
 12 concerns about his approach to these events:
 13 "Allegations by some that my actions amounted to
 14 a coverup or collusion with the abuser are wrong'.
 15 Coverup and collusion fall on a spectrum that includes
 16 carelessness and partiality."
 17 The first question I wanted to ask is, did you mean
 18 to use the word "collusion" when you reached that
 19 conclusion, "collusion" obviously meaning parties making
 20 an agreement or acting in concert for an improper
 21 purpose? Were you meaning to use the word "collusion"
 22 or were you meaning to use in fact the word
 23 "carelessness"?
 24 **A. We were quoting the archbishop himself. He made that**
 25 **statement to us, and he was obviously referring to**

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1 **allegations that had been made in the media prior to our**
 2 **review.**
 3 Q. So you, yourself, weren't saying that Lord Carey sort of
 4 actively colluded with other people to -- you know, if
 5 I were to use the analogy of a smoke-filled room, were
 6 you trying to suggest there were a lot of people sitting
 7 in -- I think, as I said earlier, with the
 8 Church of England it is unlikely to be a smoke-filled
 9 room, it is more likely to be a tea-and-bun-filled room,
 10 identifying that they were sitting around saying, "We
 11 need to do what we can to try to exculpate Peter Ball"
 12 or is what you really meant that there was a degree of
 13 partiality for Peter Ball which overrode concerns about
 14 other people?
 15 **A. Well, I think that that paragraph goes on to say**
 16 **"Coverup and collusion fall on a spectrum that includes**
 17 **carelessness and partiality", and I think that it's**
 18 **reasonable to draw from that that we saw some**
 19 **carelessness and partiality in the behaviour of**
 20 **Lord Carey and others.**
 21 Q. When you meant "carelessness and partiality", where
 22 would you see the carelessness having come from? Which
 23 acts would you consider were careless? Are you meaning
 24 by that the letters to the police -- the letters not
 25 being passed to the police?

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1 **A. Certainly the not passing those letters on to the**
 2 **police, as the Mellows review had also identified, we**
 3 **thought that was a major failing on behalf of**
 4 **the church, so, as I say, we were conscious, too, of**
 5 **the carelessness for others other than Peter Ball.**
 6 **If you give me time, I can find the other section in**
 7 **the report which refers to Lord Carey saying -- about**
 8 **this:**
 9 **"He had a degree of personal compassion for**
 10 **Ball ..."**
 11 **I'm at paragraph 4.4.7 of the report:**
 12 **"He had a degree of personal compassion for Ball**
 13 **that is not matched by an understanding of the nature**
 14 **and consequences of Ball's abusive conduct."**
 15 **So I think that explains partiality.**
 16 Q. In a way, what you are therefore saying is that there
 17 isn't -- therefore, you didn't find any evidence of
 18 collusion, in terms of the smoke-filled rooms type
 19 activity, but you did reach conclusions that there was
 20 partiality, ie, favouring of Ball over others; is that
 21 right?
 22 **A. Yes. I think what we were trying to draw people's**
 23 **attention to is that, for people outside the system**
 24 **looking in, the appearance of collusion is not an**
 25 **unreasonable one, but I take your -- I do not think that**

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1 **people sat around in a smoke-filled room planning to**
 2 **collude.**
 3 Q. So, in other words, there was the appearance of that,
 4 but in fact is what you are trying to say in the report
 5 that there wasn't any deliberate coverup by the church
 6 but there was a degree of, I suppose, thoughtlessness
 7 about their actions and a degree of partiality in
 8 preferring to believe Peter Ball over anybody else?
 9 **A. Again, if you would give me --**
 10 Q. Of course. Take as much time as you need?
 11 **A. -- a moment.**
 12 Q. 5.2.9.
 13 **A. Thank you.**
 14 Q. No, it is not me. I am being hissed at by somebody who
 15 knows better than I do. So 5.2.9.
 16 **A. They obviously haven't read my mind perfectly --**
 17 Q. At least it is not me not having read your mind
 18 perfectly.
 19 **A. I wanted to draw attention to the section that I now**
 20 **cannot find, but let me try.**
 21 Q. If I can provide you with any assistance, Dame Moira,
 22 please don't hesitate to ask.
 23 **A. 5.2.9. In discussing the nature of a coverup, we**
 24 **concluded:**
 25 **"However, we have been unable to find any good**

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1 **reason for the decision -- and we believe it must have**
 2 **been more of a decision than an omission -- not to make**
 3 **police aware of the letters which raised concerns about**
 4 **Ball."**
 5 **We went on to say:**
 6 **"The failure to pass [the] letters to police ...**
 7 **must give rise to a perception of deliberate**
 8 **concealment."**
 9 Q. I suppose what I have to put to you is, well, must it
 10 give rise to a perception of deliberate concealment? As
 11 we know, those letters were all arriving very shortly
 12 before the police officer DI Murdock arrived at
 13 Lambeth Palace, or they were arriving as it happened.
 14 Therefore, it would have been perfectly possible,
 15 wouldn't it, that it was just the fact that there
 16 weren't all the letters in one place?
 17 **A. We have said that it gives rise to a perception of**
 18 **deliberate concealment, and there are people who believe**
 19 **that they were deliberately concealed. But I think the**
 20 **defence of them arriving at different points I believe**
 21 **doesn't actually bear too much examination because the**
 22 **events lasted over a considerable period. They may have**
 23 **failed to hand them over to the police on that**
 24 **particular occasion in December, but they were searching**
 25 **for understanding at certain points -- the archbishop**

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1 **talks about that, searching for understanding of what**
 2 **Peter Ball had done, and there was information in those**
 3 **letters that they could have examined and considered**
 4 **passing on to the police at many points in this story.**
 5 Q. Did you think that that was something which Lord Carey
 6 was responsible for or do you think that there were
 7 other actors at Lambeth Palace that would have been the
 8 ones who would have borne more responsibility for
 9 passing on letters or not passing on letters?
 10 **A. Clearly, Lord Carey received advice at various points in**
 11 **this case. Some of it was good and he followed it, some**
 12 **of it was less good and he followed it. But,**
 13 **fundamentally, he, in my view, was responsible.**
 14 Q. Did you not consider the fact that, in respect of
 15 passing the letter to the police, in reality, the police
 16 had most of the information or, in fact, if they didn't
 17 have exactly the same information, they certainly had
 18 a picture which was the same as Lambeth Palace had in
 19 terms of a number of different complainants identifying
 20 naked prayer, sado-masochistic -- or certainly elements
 21 of beatings which could have had a sado-masochistic
 22 overtone and engaging in nongenital contact, including
 23 caressing and embracing for an apparently spiritual
 24 purpose. All of that material was in fact before the
 25 police. So did you and your team ever consider that in

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1 fact the letters may not have added very much and
 2 wouldn't in fact have made much of a difference to the
 3 investigation of the police?
 4 **A. I think it's perfectly reasonable to suggest that it**
 5 **wouldn't have made a very significant difference to the**
 6 **decision making by the police and the Crown Prosecution**
 7 **Service, but nevertheless, it -- that doesn't excuse the**
 8 **holding back of the letters.**
 9 **I also want to point out the kind of uncertainty**
 10 **that appeared to grip Lambeth Palace about what**
 11 **Peter Ball had done. They were missing looking at what**
 12 **was available to them in these letters. There was**
 13 **constant reference to "one offence", for example, when**
 14 **the letters clearly point to, as you say, a pattern of**
 15 **behaviour.**
 16 Q. Did you not consider that the proposition that the
 17 letters were seen as private and confidential -- because
 18 they were all written as being confidential, and,
 19 therefore, wouldn't or shouldn't have been handed over
 20 without a court order, did you ever consider that to be
 21 something which Lambeth Palace, at the very least, would
 22 or was bearing in mind at the time?
 23 **A. It's certainly possible to suggest that that was the**
 24 **case in relation to one or two of those letters, that**
 25 **they would have had to seek the author's permission to**

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1 **pass them on. But thinking about what those letters**
 2 **represented, they were offers from others to assist the**
 3 **church in this difficult situation in trying to resolve**
 4 **the future -- the events of the past and what should be**
 5 **done in the future, and, in a sense, they were rejected.**
 6 **Those offers of assistance were rejected by the church**
 7 **in their failure to handle the letters appropriately.**
 8 Q. Obviously the term "careless" was used, and we looked at
 9 it at 5.1.7. Do you consider that it was careless for
 10 Lord Carey not to ban Peter Ball from ministry? I mean,
 11 it appears that that wasn't a decision that -- maybe
 12 "careless" might not be the correct word. It appears
 13 clear that everyone was in a bit of a quandary what to
 14 do -- he resigned, there were a couple of years in which
 15 his ministry was limited. Do you think that that was
 16 the right choice of language, to use the word
 17 "careless"? On reflection, it is not necessarily
 18 careless, is it? It might have been the wrong decision,
 19 but it is not necessarily a careless decision?
 20 **A. Well, again, I'm not sure exactly which use of**
 21 **"carelessness" you are referring to. If you want to**
 22 **point me to that.**
 23 **I think the word "careless" for us particularly**
 24 **spoke to the church's lack of regard for victims of**
 25 **Peter Ball, the full meaning of that term. But if you**

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1 **want to refer me to another --**
 2 Q. No. I think this all emerges from the, "Coverup and
 3 collusion fall on a spectrum that includes carelessness
 4 and partiality". So this is all coming from 5.1.7.
 5 Next -- actually, I have just noticed the time. It
 6 is now 1.00 pm. I don't know whether now would be an
 7 appropriate moment to take a break?
 8 THE CHAIR: Yes, thank you, Ms Scolding, we will return.
 9 MS SCOLDING: I apologise, Dame Moira. I will only keep you
 10 a very short period of time after the luncheon
 11 adjournment.
 12 **A. Thank you.**
 13 Q. Dame Moira, just to remind you, you are on oath, so you
 14 can talk about anything else, but not about your
 15 evidence. Thank you very much.
 16 (1.00 pm)
 17 (The short adjournment)
 18 (2.00 pm)
 19 MS SCOLDING: Dame Moira, just before lunch we were talking
 20 about your conclusions. Now I would like to take you to
 21 your recommendations, if I may, which are set out all on
 22 two pages, on INQ000560_075-076. There are a number of
 23 recommendations you made -- 11 in total. I would like
 24 to walk you through what you recommended and why you
 25 recommended it. The first recommendation I have is that

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1 there should be individual and collective accountability
 2 of bishops for the safety and protection of everyone
 3 within the church, and that that should be reaffirmed.
 4 Why did you think that that was necessary?
 5 **A. Well, we have referred earlier to the complexity of**
 6 **the church. People can assume that it's a normal kind**
 7 **of management hierarchy, as it were, but it's very**
 8 **different from that. The importance of leadership, not**
 9 **just for individuals, for their personal responsibility**
 10 **for their area of accountability, but for the church as**
 11 **a whole, seemed to us to be very important; that the**
 12 **only person likely to be able to challenge a bishop**
 13 **about their safeguarding approach would be another**
 14 **bishop or an archbishop.**
 15 **So it was to stress the importance of leadership,**
 16 **for the promotion of a culture where safeguarding would**
 17 **be appropriate, and for that ability to challenge one**
 18 **another.**
 19 Q. You obviously have the focus there upon leadership. Was
 20 it, therefore, your and the rest of your inquiry review
 21 team's view that having leadership which really
 22 understands safeguarding is absolutely essential for the
 23 church to make progress? Is that what you were trying
 24 to say?
 25 **A. I don't expect bishops to be experts in safeguarding,**

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1 **but it is important that they recognise the significance**
 2 **of safeguarding and having in place the correct**
 3 **capability and capacity to deal with issues within**
 4 **safeguarding.**
 5 Q. The second recommendation you made was that the church
 6 should make arrangements to enable those who have been
 7 abused by Peter Ball to meet and share their experiences
 8 and views with senior clergy and that the offer should
 9 also be extended to those bereaved by the death of
 10 Neil Todd. Why did you reach that conclusion?
 11 **A. Well, it was obvious that many people were very hurt by**
 12 **Peter Ball's behaviour, but also hurt by the church's**
 13 **response to that behaviour, and that they felt, many of**
 14 **the people that we spoke with felt, that they had never**
 15 **had an explanation or an apology, or indeed, for some,**
 16 **just the opportunity to tell those in authority how it**
 17 **had felt.**
 18 Q. As far as services to survivors is concerned, your third
 19 recommendation was the fact that although you say in the
 20 more detailed explanation which leads up to these
 21 recommendations that the church has made significant
 22 progress, you also identify that there is a continuing
 23 challenge in responding effectively to survivors who
 24 were abused in the past. You recommended that there
 25 should be design and resource to take account of

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1 the complex and enduring nature of the harm caused by
 2 clerical abuse; and the need for specialist
 3 Victim Support services. Perhaps you could explain
 4 a little more about why you and the rest of your team
 5 were of the view that there needed to be specialist and
 6 specific services, rather than just use of the generic
 7 services in respect of sexual violence and child sexual
 8 abuse?
 9 **A. Well, we were alerted to the impact that good care for**
 10 **victims had on those who had that opportunity to**
 11 **experience it; in particular, the Chichester**
 12 **Victim Support individual and teamwork and the**
 13 **collaboration with the police there had made a very big**
 14 **impact, as I say, on those who received it.**
 15 **We were conscious that it was complex and not**
 16 **everyone needed to know all of it all the time, and**
 17 **therefore this was a specialist service that could be**
 18 **shared.**
 19 Q. That's in particular the work, I believe, of a lady
 20 called Gemma Wordsworth, who was the IDSV, the
 21 independent sexual and domestic violence adviser, about
 22 whom we heard quite a lot in Chichester. Individuals
 23 praised her work to you as well, did they, and the
 24 service that she was able to provide?
 25 **A. They did. But also that we were obviously pointing out**

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1 **that the impact of harm isn't the same for everyone, and**
 2 **it can return at various points over people's lifetimes,**
 3 **as it were. So being ready to adjust and adapt to the**
 4 **needs of individuals was important.**
 5 Q. The next recommendation you make, recommendation 4, was
 6 about the need to deal effectively with adult victims of
 7 abuse, ie, those who are abused whilst they are adults,
 8 rather than child victims of abuse who come forward as
 9 adults. You identify this -- you say in the conclusions
 10 you reach:
 11 "There is some way to go before the church can feel
 12 that this area has received the level of recognition and
 13 provision now demonstrated in its response to child
 14 protection responsibilities. Moreover, given the age
 15 profile of the church's membership, there may be more
 16 risk for the church in the issue of adult safeguarding."
 17 So you made a recommendation about fuller
 18 understanding and more consistent good practice. What
 19 was your expectation about what should be in place?
 20 **A. This is a recommendation, as often is the case, that we**
 21 **play back to the church that they had, in a sense,**
 22 **talked us into this recommendation. Everyone that we**
 23 **spoke to recognised that, while progress had been made**
 24 **in relation to child protection, adults was an area of**
 25 **uncertainty and discomfort for them in terms of their**

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<p>1 knowledge and experience, and it seemed important to 2 recognise that many of Peter Ball's victims were adults 3 at the time, and perhaps assumed wrongly, therefore, not 4 to be vulnerable.</p> <p>5 I don't think the church is very different from lots 6 of other organisations in this respect, so I think it is 7 a general picture that we haven't developed as far as we 8 can in relation to adults. So, again, I would want them 9 to try to move from behind the curve to ahead of 10 the curve, to use words that have been used here 11 previously.</p> <p>12 Q. The next recommendation you make is that safeguarding 13 arrangements should be clearly located in dioceses. 14 This is something we heard a lot of evidence about in 15 Chichester. It hasn't featured quite so much in the 16 context of the witnesses we have had in this case study. 17 But obviously your recommendation appears to be that you 18 need to locate the safeguarding services near to where 19 the individuals might come forward, rather than having, 20 as has been suggested in other reviews, a national 21 system of safeguarding. Why did you and your team reach 22 that particular conclusion, if one were to see it on 23 a very simplistic level of diocesan rather than 24 national?</p> <p>25 A. Well, as you refer to, they're closer to the parishes</p> <p style="text-align: center;">Page 117</p>	<p>1 in what we might call managerial terms but are located 2 geographically there, would make good sense in terms of 3 expertise and capacity to bring them together, working 4 to national standards developed by the national 5 safeguarding team, not just deciding to do things 6 themselves.</p> <p>7 So it's an attempt to be "both and", as it were.</p> <p>8 Q. So both one and the other?</p> <p>9 A. Indeed.</p> <p>10 Q. So we have a national team who provide the central level 11 of expertise but a regional team who in effect deliver 12 that?</p> <p>13 A. Indeed.</p> <p>14 Q. Which leads me neatly on to recommendation 6, which was 15 there should be clear specifications and minimum 16 national standards for safeguarding services; and 17 support for the dioceses to evaluate the resources 18 required to meet those standards; and to review and 19 enhance as necessary the arrangements for supporting the 20 lead bishop for safeguarding.</p> <p>21 Now, why did you reach all those conclusions?</p> <p>22 A. Well, again, it's what many people told us. People 23 weren't complaining, but generally, it seemed to us 24 that, taking the last point first, the lead bishop was 25 given very heavy responsibilities with very little</p> <p style="text-align: center;">Page 119</p>
<p>1 where most of the possible victims are generally 2 located. It struck us that, in a sense, we were seeking 3 to go with the grain of the organisation as opposed to 4 trying to impose something on them from outside which, 5 in my experience, rarely helps organisations to improve.</p> <p>6 Q. Why does it rarely help organisations to improve? If 7 you were to create, like, the national -- I mean, 8 obviously we are kind of -- if you were to create the 9 national safeguarding team for the Church of England and 10 sort of impose it, why wouldn't that help, given your 11 experience and expertise in child protection over 12 a decade?</p> <p>13 A. My experience is more generally, in children's services, 14 about expectations from outside as opposed to understood 15 and owned internally. I think -- I couldn't quote the 16 research, but I think there is extensive research on 17 that, that people, in spite of all they say, do have to 18 reinvent their own wheels often. We have tried in these 19 recommendations 5, 6 and 7, to try together to deal with 20 both of those challenges, as it were, to try to avoid 21 people having to invent their own wheels but also trying 22 to resist something imposed on them from outside.</p> <p>23 We thought that the compromise of the diocese being 24 very firmly responsible -- responsible for other parts 25 of the church that are not directly accountable to them</p> <p style="text-align: center;">Page 118</p>	<p>1 resource to assist him, but also that there was very 2 considerable variation between dioceses with no real 3 explanation as to why. One might have a part-time 4 person and another have a team of four, for example.</p> <p>5 So some standards that the arrangements in 6 a particular diocese could be tested against seemed to 7 us to be sensible, but also it would help in the 8 arrangements about resources. We were frequently told 9 about how difficult it was for the church to have 10 adequate resources to --</p> <p>11 Q. By "resources", do you mean money or do you mean people?</p> <p>12 A. Both.</p> <p>13 Q. Even though the church have told us that the increase in 14 spending has been dramatic, shall we say, over the past 15 decade?</p> <p>16 A. Indeed, yes. I think that's undoubtedly the case, that 17 the church has spent more, but this would help them to 18 tell whether they have spent enough.</p> <p>19 Q. In terms of religious communities and other church 20 bodies, your recommendation 7 is that the church should 21 review its organisational arrangements so that, for 22 safeguarding purposes, all church bodies come within the 23 relevant diocesan arrangements where safeguarding 24 capacity can be done most effectively. Now, obviously, 25 this is to do with, in particular, in the context of</p> <p style="text-align: center;">Page 120</p>

1 the religious community that you were looking at.
 2 I mean, The Scheme wasn't an official religious
 3 community. The CGA plainly was an official religious
 4 community. They weren't of the diocese, if I put it
 5 that way. The diocese may have known about them, but
 6 they weren't controlled or supervised or managed in any
 7 way. Why did you reach the conclusion that you did in
 8 this respect?
 9 **A. Well, again, it strikes us that some of these**
 10 **institutions will be -- are very small, very limited and**
 11 **will have very limited experience of safeguarding**
 12 **issues, and it's foolish not to take advantage of what's**
 13 **available in their geographical area, as it were.**
 14 **Again, we weren't suggesting that the**
 15 **accountabilities, the formal accountabilities or Canon**
 16 **law needs to be revised. We are simply talking about**
 17 **a collaboration so that people are part of a wider**
 18 **safeguarding service.**
 19 Q. So to stop, what, fragmentation and thus, you know,
 20 potentially people falling through the cracks or people
 21 just basically not being large enough to be able to have
 22 the kind of expertise that you need?
 23 **A. Absolutely. The point was made to us many times about**
 24 **how stretched parishes are, how very small they are, and**
 25 **therefore in many ways similar to the issues in**

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1 **religious communities as well. But I think that**
 2 **safeguarding profits from transparency and**
 3 **collaboration, and we think it's always helpful for**
 4 **people to be in touch with wider developments in**
 5 **safeguarding and to have somewhere to go for support.**
 6 Q. That neatly leads on to recommendation 8, which really
 7 is another -- sort of a similar recommendation, but to
 8 do with the national team to say that the national
 9 team's emphasis should be on planning and supporting and
 10 providing the role of what you identified within your
 11 report as an in-house critical friend.
 12 **A. Mmm.**
 13 Q. So to provide sufficient challenge as well as support?
 14 **A. Yes.**
 15 Q. I'm assuming that that's in order to avoid complacency
 16 and also because there needs to be a degree of
 17 oversight?
 18 **A. Yes, in any set of organisations, it seems to me there**
 19 **is always somebody who's responsible, who has all the**
 20 **resources, but they are not doing enough. The secret is**
 21 **to try to avoid the either/or and achieve the "both**
 22 **and", and it is important for the national safeguarding**
 23 **team, as well as for the diocese, to focus on that front**
 24 **line of practice, the parishes, and to think about the**
 25 **development of their policies, not from the experience,**

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1 **although they will learn from that, of course, of**
 2 **reviews and failures, but also in the real experience,**
 3 **daily experience, as it were, of parishes, and remain**
 4 **focused on that.**
 5 Q. Your ninth recommendation really deals with the legacy
 6 of the past, identifying that the church has found it
 7 difficult to deliver an appropriate response to evidence
 8 of noncurrent abuse, if I put it that way, identifying
 9 in particular the demands of that, how time consuming it
 10 could be, and you identify that there should be
 11 development of a model of best practice for deciding
 12 when and how to carry out reviews of historical abuse
 13 and arrangements to disseminate such learning.
 14 In a way, that sounds almost like a sort of serious
 15 case review model but applied across to the religious
 16 basis. Was the idea that the church itself would do
 17 that, or were you thinking that that is something which
 18 could be commissioned from external specialist
 19 safeguarding providers?
 20 **A. Well, we didn't consider how they should do that because**
 21 **it would be a question of what resources they had**
 22 **available to them at the time, but it would be important**
 23 **to be in touch with best practice outside the church and**
 24 **indeed in other countries as well.**
 25 **One of the things that we were trying to get at here**

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1 **is that, if we look through the lens of non-recent abuse**
 2 **but not through the lens of current needs, we may end up**
 3 **in the wrong place, and it's important to keep both of**
 4 **those in balance.**
 5 Q. That's something that a number of individuals have said,
 6 that we mustn't lose sight of children now.
 7 **A. Indeed.**
 8 Q. Recommendation number 10 was about reviewing the entire
 9 arrangements for the Lambeth List, the Bishopthorpe
 10 List, the Archbishops' List, including making sure that
 11 those lists are available to diocesan safeguarding
 12 advisers and to include lay employees, non-ordained
 13 members of religious communities.
 14 Basically, it struck me that your recommendation
 15 was, really, anyone who might be in the church but not
 16 ordained, so that there was a consistent list of
 17 individuals who either were not allowed to work within
 18 the church or against whom caution should be
 19 exercised -- those, for example, against whom there were
 20 covenants of care.
 21 You identify in particular that there was a lack of
 22 clarity and guidance about both the purpose of the lists
 23 and how they should be used; and the fact that the
 24 lists, certainly at the time of your review, couldn't be
 25 accessed by the church's safeguarding officers. Is that

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1 self-explanatory or is there any other gloss on that you
 2 would like to give us?
 3 **A. I think it is self-explanatory. I think the church, as**
 4 **any historic organisation, tends to assume that what**
 5 **it's got has a rationale, but the rationale may have**
 6 **been lost over time, and it seemed to us that the**
 7 **rationale for the list had been lost, and certainly they**
 8 **needed to attend to why. But fundamentally, it must be**
 9 **accessible by safeguarding advisers, or there was very**
 10 **little point in maintaining it, it seemed to us.**
 11 Q. The last recommendation you made was that there should
 12 be better, clear and consistent guidance for who gets
 13 PTO, when they get it, if there has been safeguarding --
 14 if there have been substantiated safeguarding concerns
 15 and for there to be a national register of those with
 16 PTO and consistent application of both training and
 17 safeguarding arrangements, and auditing of those
 18 arrangements with a report to the House of Bishops. Why
 19 did you reach that conclusion?
 20 **A. Again, we were surprised by the sheer number of people**
 21 **with permission to officiate upon whom the church**
 22 **depended, really. They were a very large workforce. It**
 23 **is often, in organisations, easier to look at one**
 24 **workforce and forget, actually, lots of other people who**
 25 **are absolutely just as much a potential risk as well as**

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1 **of course an assistance to the work of the organisation.**
 2 **So this was -- clearly, there was lots of evidence of**
 3 **lack of clarity throughout this case review, about the**
 4 **use of PTO, inventing new ones, even, at some point.**
 5 MS SCOLDING: We have heard quite a lot of evidence about
 6 the difference between a provincial PTO and whether or
 7 not in fact such a thing existed, so yes.
 8 I have no further questions for you. But the chair
 9 and panel may?
 10 THE CHAIR: Mr Frank?
 11 Questions by THE PANEL
 12 MR FRANK: Just this: in relation to the assistance you had
 13 in the preparation of your report, you mentioned the
 14 assistance you had from Mr John Alpass, who I think was
 15 a retired civil servant or perhaps a civil servant still
 16 in office. He provided you with a number of documents,
 17 and I think appended to your report is a short report
 18 from him about the documentary material that he had that
 19 he was able to pass to you. There is a short
 20 description at the back of your report about what
 21 happened to those documents and how they came eventually
 22 to be passed to this inquiry.
 23 I'm not going to ask you to turn it up, but what
 24 I would ask you is this: we heard evidence today from
 25 Kate Wood -- you may have been here when she gave her

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1 evidence -- that four years after she started her
 2 inquiry at Lambeth Palace, there was produced to her by
 3 Mr Nunn a file that had never been seen before in that
 4 four years she had been there. I'm just wondering how
 5 much confidence you had about how much of the material
 6 that you were provided with reflected the feel that was
 7 there or whether you had any doubts as to whether there
 8 was important documentation that was not provided to you
 9 when you came to finalise your report.
 10 **A. Obviously, I can't be 100 per cent sure. I feel**
 11 **confident that what was available was provided to us,**
 12 **but of course the quality of the record keeping,**
 13 **particularly in the earliest days -- record making,**
 14 **first of all, and then record keeping, wasn't of**
 15 **the standard we would expect today.**
 16 MR FRANK: So far as you're aware, has anything been put in
 17 place to improve that?
 18 **A. I do understand it was a very significant concern of**
 19 **the national safeguarding team, but I'm not current with**
 20 **what has happened since our report was completed. But**
 21 **I think standards in general -- and of course the fact**
 22 **is we just do have a lot more written material in the**
 23 **form of emails in particular than was the case in the**
 24 **'90s and before.**
 25 MR FRANK: Thank you. That's all I ask.

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1 THE CHAIR: There is another question, from Sir Malcolm.
 2 PROF SIR MALCOLM EVANS: Thank you. Just to go back very
 3 briefly to the paragraph in the report that you
 4 highlighted, paragraph 5.2.9, concerning the letters and
 5 the release of them. It says you believed it must have
 6 been "more of a decision than an omission" not to pass
 7 them on to the police. Why do you think it was
 8 a decision rather than an omission, which of course is
 9 something that you stress in the way that paragraph is
 10 written?
 11 **A. Well, I think that we saw evidence of -- very**
 12 **significant evidence of the church wanting to handle**
 13 **this themselves and thinking that material that was**
 14 **shared outside was an unhelpful way forward. Certainly**
 15 **I saw correspondence which referred to a breach of**
 16 **confidence when something was reported to the police.**
 17 **So I think the church had a clear conviction, I think,**
 18 **or individuals in the church had a clear conviction at**
 19 **the time that somehow dealing with it themselves was**
 20 **a better way forward.**
 21 **Why they would think it was a better way forward**
 22 **than sharing it with the police isn't as clear to me,**
 23 **but there was a definite intention to retain information**
 24 **within their own system, as it were.**
 25 PROF SIR MALCOLM EVANS: Thank you.

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1 THE CHAIR: That's all the questions we have. Thank you
 2 very much, Dame Moira.
 3 **A. Thank you.**
 4 **(The witness withdrew)**
 5 MS SCOLDING: Chair, we now pass over, once Dame Moira has
 6 left the witness box, to the closing remarks from
 7 various core participants. The first closing remarks
 8 will be given by Mr William Chapman, counsel for
 9 complainants, victims and survivors represented by
 10 Switalskis and also who represents MACSAS.
 11 Closing remarks by MR CHAPMAN
 12 MR CHAPMAN: Chair and panel, yes, I make representations on
 13 behalf of A117 and Graham Sawyer, as you may recall, who
 14 have instructed Switalskis.
 15 Our submissions are in two parts. First, on the
 16 evidence, and, secondly, on the recommendations that we
 17 say should follow from that evidence.
 18 On the evidence, we say at the heart of this case is
 19 a lie, a big lie. The big lie is that Peter Ball's most
 20 prominent supporters, starting with the Archbishop of
 21 Canterbury, believed Peter Ball was basically innocent.
 22 They knew from a very early stage that he was basically
 23 guilty.
 24 George Carey was the man who managed, from the day
 25 of Ball's arrest on 14 December 1992, what can only be

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1 properly described as Peter Ball's defence team. There
 2 was no conception by George Carey that the church should
 3 provide voluntary assistance to the police in their
 4 enquiries; no conception that they should pass on
 5 information that pointed towards Peter Ball's guilt as
 6 well as information that pointed away from his guilt.
 7 George Carey's attitude then, and before you now, was
 8 essentially this:
 9 "If the police don't ask for those letters, don't
 10 find those letters, more fool them. It is their job to
 11 prove it, and if they can't, good".
 12 He prayed that the police investigation would clear
 13 Peter Ball's name. Literally. And he did so even when
 14 he possessed powerful evidence suggesting that
 15 Peter Ball's crimes were not isolated to just Neil Todd.
 16 Those letters were not provided to the police, as
 17 clearly they should have been, but they were provided to
 18 Peter Ball's defence team. The only proper inference we
 19 say you can draw from that is that the church wanted to
 20 help Peter Ball, but not the police. And if you needed
 21 further evidence that the church was completely
 22 one-sided in its handling of this case, you have the
 23 evidence of Mr Murdock and the farcical attempt to
 24 compromise him by covert tape recordings at that meeting
 25 with Bishop Kemp in his office.

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1 All this might be understandable if these prominent
 2 people really did believe that Peter Ball was innocent,
 3 but George Carey did not believe Peter Ball was
 4 basically innocent. No reasonable person could have
 5 believed that after meeting the Balls on 15 December.
 6 That's a very important meeting.
 7 In his evidence to you on oath, George Carey said
 8 that the brothers protested their innocence. I would
 9 invite you to look at the statement he gave to the
 10 police in 2014. In that statement he said, "I was told
 11 the gist of the allegations about Neil Todd before I met
 12 the Balls, that there was genital touching between them,
 13 and I asked the Ball brothers to see me immediately the
 14 day after the arrest", and he was told by the Balls, and
 15 Peter Ball in particular, and I quote:
 16 "He accepted he had had a close relationship with
 17 Neil Todd, but he denied he had touched him sexually in
 18 any nonconsensual way", which of course suggests he had
 19 touched him in a sexual way. That was not
 20 a protestation of innocence, that was a very significant
 21 admission.
 22 The letters he received from other complainants in
 23 the days that follow, vague as they were, were obviously
 24 powerful support for Neil Todd's central allegation.
 25 Either there was a conspiracy against Peter Ball, a man

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1 widely regarded as something close to a saint, or they
 2 were telling the truth. George Carey knew this, and
 3 that is why the letters were not passed to the police.
 4 That is why Lambeth Palace made no attempt to contact
 5 these witnesses directly. But they were passed to
 6 Peter Ball's defence team in case they could assist him
 7 in proving the only realistic defence, which was one of
 8 a conspiracy against him.
 9 You will know that there are two very significant
 10 documents missing from the Lambeth file about
 11 Peter Ball. The first is a record of the meeting Carey
 12 had with the Ball brothers on 15 December. It seems
 13 inconceivable that this meeting attended by Frank Robson
 14 was not minuted in any way, and we suggest the reason is
 15 because there were significant admissions by the Ball
 16 brothers in that meeting.
 17 The second is the absence of Tyler's report. That
 18 report says on its face that it was solely for the
 19 attention of Bishop Kemp and the Archbishop of
 20 Canterbury. It set out the truth about Peter Ball in
 21 one pithy -- two sentences:
 22 "I am quite convinced he has been living a dual
 23 life, not only as a pseudo religious, but also in his
 24 interpretations of sexual morality. Unfortunately,
 25 I came to the conclusion he had been involved in abusing

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1 not only his office but very many young men who passed
 2 through his care."
 3 That was the conclusion he had reached having
 4 contacted many of the complainants and having had
 5 significant admissions direct from the mouth of
 6 Peter Ball, including that he had had an emission during
 7 his contact with Neil Todd. It stated exactly the
 8 nature of what Peter Ball had done. Bishop Kemp
 9 certainly knew. If George Carey really wanted to know,
 10 he could have found out from Bishop Kemp.
 11 Archbishop Carey needed to know why one of his
 12 bishops was proposing to accept a caution for gross
 13 indecency. We say it is inconceivable that Bishop Kemp
 14 would not have informed the archbishop, in one form of
 15 communication or another, why he was accepting the
 16 caution.
 17 Of course, the record, like that of the meeting on
 18 15 December, we say is suspiciously missing from the
 19 Lambeth file.
 20 We say the reality is that George Carey did not care
 21 what Ball had done; he only hoped and prayed the
 22 investigation would clear his name and that he would be
 23 restored to his great work of Christian ministry, and
 24 that is a decision he made very early on.
 25 When George Carey weighed what he must have known

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1 about Peter Ball against Peter Ball's status as
 2 a bishop, his undoubted talents and the church's
 3 reputation, it didn't count for very much in his eyes.
 4 That is a charge we level at George Carey, and indeed
 5 Lord Lloyd, who gave evidence today: they didn't think
 6 it was very serious. The only way you could think it
 7 was not very serious is by comparing it to the status of
 8 the man involved. We say, of course, it's the very
 9 opposite: the status of the man involved made it
 10 extremely serious.
 11 It was, of course, a mistake that the terms of
 12 the caution were not properly recorded. For all
 13 Mr Murdock's hard work, the police really seem to have
 14 snatched defeat from the jaws of victory. It was
 15 a mistake that was ruthlessly exploited by Peter Ball to
 16 protest his basic innocence. It was a mistake
 17 ruthlessly exploited by George Carey to promote
 18 Peter Ball's return to the ministry. Carey repeatedly
 19 misrepresented the gravity of what he knew Peter Ball
 20 had done whenever he could. I know Mr O'Donnell, who
 21 sits to my right, will list many examples of that.
 22 We do not know if, after the police caution,
 23 George Carey made a solemn promise, as Peter Ball said,
 24 that the church would not take any further action
 25 against him. But certainly George Carey's actions were

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1 consistent with such a promise.
 2 The internal enquiry against Peter Ball was quietly
 3 dropped. Ball was not placed on the Lambeth List, as he
 4 clearly should have been, and George Carey took steps
 5 only a few years after the caution to gradually
 6 introduce Peter Ball back to ministry. He made the
 7 recommendation to the House of Bishops in 1997 that
 8 Peter Ball be offered work, and in 2014, he provided
 9 a statement to the police to try to stop the trial of
 10 further charges against him.
 11 George Carey didn't just want the status quo, he
 12 wanted the status ante quo. He wanted to return to the
 13 position as it was before Peter Ball had been discovered
 14 to have committed these offences, and he did all this
 15 against, on occasions, strong advice from inside and
 16 outside the church.
 17 He, in the words of Andrew Nunn, did try to sweep it
 18 under the carpet. If George Carey thought by doing so
 19 he served the reputation of the church, it was a gross
 20 misjudgment. The tactics deployed by the church were at
 21 the very edge of lawfulness. We heard how Bishop Kemp
 22 attempted to compromise Mr Murdock. We heard how
 23 several bishops telephoned Ros Hunt to ask her to tell
 24 the young men who had made complaints not to speak to
 25 the police or the press. We heard how Michael Ball,

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1 Bishop of Truro, had been contacting witnesses and, in
 2 Mr Murdock's view, trying to influence them.
 3 We do encourage the police to review whether any of
 4 these matters, in particular the actions of the bishops
 5 who contacted Ros Hunt, disclose offences of perverting
 6 the course of justice.
 7 I said in opening that this was an establishment
 8 case. It is hard to know what practical effect
 9 establishment support for Peter Ball had on the decision
 10 for a caution. Of its nature, such influence is
 11 pernicious, subtle, hard to trace, unaccountable. But
 12 it was certainly calculated to have practical
 13 consequences.
 14 Lady Renton accepted that the reason her husband
 15 wrote to the DPP on House of Commons headed paper was in
 16 the knowledge that it would be taken more seriously. It
 17 was not the merits of what she said, what her husband
 18 said in the letter, but the status of its author. That
 19 was intended to influence the recipient.
 20 Similarly, a Court of Appeal judge could have no
 21 proper reason for calling the investigative officer,
 22 apart from simply making it known that powerful people
 23 were interested.
 24 We do accept that the biggest difficulty facing the
 25 prosecution in 1993 was the fragility of

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1 the complainants and the potential harm to them from
 2 a trial. But the decision to caution was at the bottom
 3 end of a reasonable range of options for dealing with
 4 Peter Ball. We suspect that, ultimately, that proved
 5 the most politically expedient way of dealing with it,
 6 but what is inexplicable, for which there is no proper
 7 explanation, even today, is the failure to record the
 8 terms of that caution and a clear record of
 9 the admission by Peter Ball.

10 Where Peter Ball's establishment supporters
 11 certainly did have effect was in fortifying George Carey
 12 in his intended aim of minimising Peter Ball's
 13 wrongdoing and returning him to ministry. That would
 14 have been a much more difficult task if Peter Ball had
 15 not had powerful support from senior figures in our
 16 society. It succeeded, to some extent, by delaying the
 17 time when Peter Ball faced the full consequence of his
 18 wrongdoing and it greatly increased the suffering of his
 19 victims.

20 Chair, I turn to the recommendations which we say
 21 flow from those submissions if we are correct. I am
 22 being looked at? Is that because of time? It is. I am
 23 grateful. I won't trouble you any longer, chair,
 24 because we do have the opportunity to put things in
 25 writing, and I will do so. You will be familiar with

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1 the recommendations we make, but I hope they will be
 2 obvious to some extent from the submissions we have made
 3 on the facts. Thank you, chair.

4 THE CHAIR: Thank you, Mr Chapman.

5 MS SCOLDING: We can now pass over to Mr O'Donnell, counsel
 6 for the complainants, victims and survivors represented
 7 by Slater & Gordon.

8 Closing remarks by MR O'DONNELL

9 MR O'DONNELL: Thank you very much. Good afternoon, chair
 10 and panel. I want to address you on the following three
 11 areas: firstly, the evidence of the sexual abuse that
 12 was perpetrated by Peter Ball; secondly, how the
 13 Anglican Church responded to it; and, thirdly, what this
 14 inquiry should do about that.

15 Firstly, the evidence. We accept there is
 16 substantial evidence demonstrating that Peter Ball was
 17 charismatic, charming and persuasive and that his "Give
 18 a year to Christ" scheme provided an effective
 19 camouflage for his sexual offending. We also accept
 20 that Peter Ball was something of an operator. He made
 21 powerful friends throughout the establishment -- MPs
 22 Tim Renton and Tim Rathbone, both of whom wrote to
 23 prosecution authorities on his behalf; a senior judge,
 24 Lord Lloyd of Berwick, who also wrote on his behalf,
 25 repeatedly; the Prince of Wales, who gave him money and

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1 rented him Duchy of Cornwall accommodation until 2011;
 2 and, despite Peter Ball apparently being the church's
 3 second choice, in 1992, he was selected for the post of
 4 Bishop of Gloucester by the Prime Minister John Major.

5 So here is an abuser at the very heart of
 6 the British establishment who was selected by the
 7 executive and he had the judiciary, the legislature and
 8 the monarchy behind him. We accept that made him
 9 powerful and it permitted him to hide in plain sight.
 10 What we do not accept -- indeed, what will never be
 11 acceptable -- is the extent to which those in the
 12 highest offices of the Anglican Church protected him as
 13 they did.

14 The real issue in this particular case study isn't
 15 the prevalence of Ball's sexual abuse, but that numerous
 16 senior Anglican bishops, including the archbishop at the
 17 time, chose to prioritise protecting Peter Ball and the
 18 reputation of the Anglican Church over the protection of
 19 the very many vulnerable young men whom he abused, with
 20 the result that the Anglican Church itself caused many
 21 of Ball's victims considerable additional damage.

22 Let's look at the culture of the Anglican Church.
 23 Our submission on this case study is very
 24 straightforward. It is about a coverup, a coverup that
 25 went right to the top. The Anglican Church did

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1 everything in its power to protect Peter Ball from
 2 prosecution and when the Neil Todd allegations became
 3 unavoidable and they were followed by the numerous other
 4 allegations of sexual impropriety by Peter Ball, the
 5 Anglican Church then focused its attention on the effect
 6 that those allegations would have on Peter Ball rather
 7 than on his victims.

8 As you have already heard indicated, I propose to
 9 focus principally on the evidence of former
 10 Archbishop George Carey in these submissions. He
 11 answered questions for five hours. In my submission,
 12 his evidence shows that the Anglican Church's efforts to
 13 protect its own and to protect its own reputation were
 14 its number 1 priority.

15 Let me summarise what we say are the key actions
 16 that Lord Carey took in relation to Peter Ball. First
 17 of all, he chaired the commission that led to
 18 Peter Ball's appointment as Bishop of Gloucester.
 19 Secondly, when he heard that Peter Ball had been
 20 arrested on 12 December 1992, Lord Carey met with him at
 21 Lambeth Palace three days later. In his statement to
 22 this inquiry, he described that meeting as pastoral in
 23 nature, despite confirming in evidence that he knew at
 24 the time that Ball had been arrested for allegations of
 25 a sexual nature.

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1 We note that this meeting was apparently not
 2 minuted. Perhaps that was deliberate.
 3 Two days thereafter, Lord Carey wrote a personal
 4 letter to Peter Ball that stated:
 5 "Peter, this matter does not diminish my admiration
 6 for you or my determination to keep you on the episcopal
 7 bench."
 8 In his evidence, Lord Carey accepted that this was
 9 a "sickly" letter. It was. He didn't bother to write
 10 to Neil Todd. He was asked why. In our submission, he
 11 entirely dodged that question and went on to argue that
 12 they didn't have the safeguarding procedures in place
 13 then. I will return to the weakness of that argument in
 14 my conclusion.
 15 Fourth, between 18 December 1992 and
 16 11 January 1993, Lord Carey's office at Lambeth Palace
 17 received seven letters from other complainants. These
 18 are the seven letters we have heard so much about. They
 19 contained evidence of sexual impropriety by Peter Ball
 20 against a further six people. These letters didn't come
 21 from mischief makers, they were all independent writers,
 22 they didn't know each other, and many were fervent
 23 supporters of the Anglican Church. That's why they
 24 wrote to Lambeth Palace rather than going directly to
 25 the police, in our submission. Yet Lord Carey's offices

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1 deliberately withheld all but one of those from the
 2 police. Now, this inquiry will note that it was only
 3 the least serious of those allegations that was
 4 forwarded to the police. Perhaps this, too, was
 5 deliberate.
 6 Lord Carey accepted in his evidence when he was
 7 asked about this that Lambeth Palace had mishandled
 8 those seven complaints. The then Archbishop of
 9 Canterbury said, "Yes, we have been fobbing people off".
 10 That's what he was doing.
 11 Five, despite knowing about four of those other
 12 letters of complaint at the time, on 23 December 1992,
 13 Lord Carey wrote a rare personal message to Ball's
 14 Gloucestershire diocese. That included the phrase "We
 15 hope and pray that the investigation will clear
 16 Peter Ball's name". That's a classic example, in our
 17 submission, of the Anglican Church PR machine. No
 18 mention there is made of Neil Todd or of the additional
 19 four complainants about whom Lord Carey was then aware.
 20 Next, Lord Carey then attempted to persuade the
 21 authorities not to prosecute Peter Ball. He wrote
 22 a letter to the Chief Constable of Gloucestershire
 23 in February 1993 stating, "If Peter Ball is guilty of
 24 unprofessional behaviour" -- not sexual impropriety,
 25 note, but unprofessional behaviour -- then he said the

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1 Neil Todd allegations were "unrepresentative of his
 2 style". This is an extraordinary thing for an
 3 Archbishop of Canterbury to say. He wrote that letter
 4 despite having received all of the other six complaints
 5 of sexual impropriety by Peter Ball before he wrote it.
 6 He tried to deal with this in his evidence by
 7 stating that the phrase "not his style" was a reference
 8 to Peter Ball's lifestyle and arguing that the other
 9 seven letters of complaint were at the time
 10 unsubstantiated. I can put this no better than
 11 Dame Moira Gibb did in her report. She said this:
 12 "To claim that the allegations against Ball were
 13 'unrepresentative' when Archbishop Carey was already
 14 aware the church had received letters raising concerns
 15 about Ball's abuse of other young men was wrong."
 16 In her evidence, Moira Gibb confirmed that
 17 "Fundamentally, he, in my view, was responsible".
 18 Seven, after Peter Ball was cautioned in March 1993,
 19 Lord Carey then failed to add him to the
 20 Anglican Church's Lambeth List.
 21 Eight, irrespective of his knowledge of the caution,
 22 or the other six complaints of sexual impropriety
 23 against Ball, Lord Carey then provided him with church
 24 funds of £12,500.
 25 Nine, he then played a lead role in Peter Ball's

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1 return to ministry, and he clearly held a personal
 2 belief that Ball was innocent throughout the entire
 3 affair. He wrote to Peter Ball's twin Michael
 4 in September 1993 stating that he still believed
 5 Peter Ball was "basically innocent". That's another
 6 extraordinary statement, in our submission, for the
 7 Archbishop of Canterbury to make. He wasn't basically
 8 innocent. He had accepted a caution. He was guilty.
 9 10, Lord Carey accepted no individual responsibility
 10 for the manner in which the Anglican Church had treated
 11 the whole Peter Ball affair. He repeatedly stated "we"
 12 in his evidence, arguing he was just part of
 13 the Lambeth Palace machine and that all the decisions
 14 regarding Peter Ball were taken collectively. But that
 15 we say is undermined by the documentary evidence. For
 16 example, the confidential Lambeth Palace memo sent to
 17 Lord Carey in 2000 in which Andrew Nunn stated:
 18 "Even though Ball had admitted guilt by accepting
 19 a caution, the archbishop still believed in his
 20 innocence and decided not to take any action through the
 21 disciplinary procedures of the church."
 22 11, Lord Carey then provided a statement to the
 23 police in an attempt to stop the second set of criminal
 24 proceedings occurring. That wasn't in 1992. That
 25 statement was in 2014. So this is the modern era: it is

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1 no good arguing we are going back in time to when the
 2 word "safeguarding" did not apply.
 3 So I say in conclusion that this Ball affair is
 4 informative. I have already stated it is a case study
 5 on a coverup, and a coverup that the evidence shows was
 6 led from the top of the Anglican Church. But it wasn't
 7 just Lord Carey. As well as the Archbishop of
 8 Canterbury, nine senior Anglican bishops were involved
 9 in investigating the Neil Todd allegations prior to the
 10 caution -- nine of them.
 11 The Anglican Church covertly recorded a meeting
 12 between the police and a senior Anglican bishop in 1993.
 13 They did that in an attempt to derail the police
 14 investigation into Peter Ball. In my submission, that
 15 is all this inquiry needs to know about the priorities
 16 of the Anglican Church at the time.
 17 So what about the Anglican Church in the modern era
 18 rather than 1992/93. The current head of
 19 the Anglican Church is Archbishop Justin Welby. It
 20 seems he takes a dim view of his predecessors' handling
 21 of the entire Peter Ball affair. He wrote a letter to
 22 Lord Carey in 2017 which is worth quoting. He says as
 23 follows:
 24 "You make the point that modern processes, cultural
 25 attitudes and guidelines may be different now to the way

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1 they were in the 1990s. I am unable to accept that you
 2 did not have the benefit of any procedures in those
 3 pre-Savile days. The files at Lambeth make clear that
 4 there were processes regularly used at the time and that
 5 you made firm disciplinary decisions in relation to
 6 other clergy who offended. The policies may not have
 7 been articulated as clearly as they are now, but they
 8 did express something of the abhorrence felt both within
 9 and outside the church when clergy were found to be
 10 guilty of abuse. At that time as a newly ordained
 11 minister, I was well aware of the need for what today we
 12 would call safeguarding and it was the subject of much
 13 discussion at deanery level."
 14 Archbishop Welby's letter, in my submission,
 15 indicates that a culture change at the Anglican Church
 16 is not enough. Whether abusers are able to prey upon
 17 the vulnerable within the church in the future will
 18 depend less, in my submission, on its general culture
 19 and more on which individuals are in positions of power.
 20 In the 1990s, Archbishop Welby was well aware of
 21 the need for what today we would call safeguarding. It
 22 seems probable that if he was archbishop in the 1990s,
 23 the Peter Ball affair would have been dealt with
 24 differently.
 25 Perhaps those in positions of power within the

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1 Anglican Church have different attitudes towards the
 2 protection of the vulnerable now. Perhaps not. What we
 3 know is that in 1992/93, they deliberately concealed
 4 evidence from six other complainants of sexual
 5 impropriety.
 6 In 2012, a decade later, Lambeth Palace did look
 7 into those other allegations in the seven letters. But
 8 even then -- and this was six years ago -- Andrew Nunn
 9 very fairly accepted in evidence that this was done
 10 principally out of reputational concerns and because
 11 they knew a BBC journalist and the police were showing
 12 a fresh interest in the matter.
 13 So what should be done? Changing the culture and
 14 values of an institution such as the Anglican Church, in
 15 my submission, does not guarantee a change in that
 16 institution's behaviour. That's the wrong way around.
 17 You force an institution to change through the law and
 18 then the culture of that institution will, in my
 19 submission, change thereafter.
 20 The Anglican Church must be made subject to
 21 externally enforced mandatory reporting. It works
 22 elsewhere. It would work here.
 23 If there really has been a change in the attitude of
 24 the Anglican Church and the individuals in power today
 25 reflect that change, then they would surely welcome such

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1 a recommendation. Unless I can assist further.
 2 THE CHAIR: Thank you very much, Mr O'Donnell. We now move
 3 on to Mr Giffin.
 4 Closing remarks by MR GIFFIN
 5 MR GIFFIN: Chair, members of the panel, we will file
 6 written closing submissions in due course, and they will
 7 address, in greater detail than I can do now, issues
 8 such as the ways in which it appears to us that the
 9 church failed in its dealings with Peter Ball and those
 10 whom he abused, what those failings tell us about the
 11 church at the time and what needed to change, and where
 12 the process of change currently stands and how that
 13 relates to any recommendations the inquiry might now
 14 make.
 15 What the Archbishops' Council can best do in the
 16 time we have today, we think, is to convey as clear
 17 a message as we possibly can about the evidence that the
 18 inquiry has heard this week.
 19 Dame Moira Gibb's report said, and she reaffirmed
 20 just now, that cultural change requires commitment from
 21 the whole church, but particularly from its leaders and
 22 a readiness to call to account. Part of doing that, we
 23 believe, is to be loud and clear and unequivocal in what
 24 we say on behalf of the church now.
 25 The picture which emerged from the Gibb Report, even

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<p>1 before this inquiry's investigation and this hearing, 2 was bad enough. The Gibb Report was enough by itself 3 for us to say in our opening on Monday that the church 4 was sorry and ashamed, and also for the Archbishop of 5 Canterbury and the lead safeguarding bishop to use the 6 very strong language that they did upon the report's 7 publication. 8 We also said in opening that we were committed to 9 listening and to learning from this week's hearings, and 10 we have listened to what we have heard. In the light of 11 the evidence given this week, and the material that the 12 inquiry has with great diligence assembled and 13 organised, it seems to us that the picture that has 14 emerged is even worse than they previously have been 15 appreciating. 16 Because of the Gibb Report, as well as the work done 17 by Kate Wood and others after 2008, much of the factual 18 material concerning the handling of matters by the 19 church is not new, although in some respects the inquiry 20 has been able to bring out further factual detail. 21 However, the way in which the inquiry has marshalled 22 that evidence and the spotlight that has been shone upon 23 it in the oral hearings has highlighted just how 24 shocking and appalling a picture it paints. That is 25 especially so in relation to the earlier part of</p> <p style="text-align: center;">Page 149</p>	<p>1 those people said and what they had experienced just did 2 not much matter, at any rate, so long as it did not lead 3 to public scandal. 4 The evidence also shows a failure to work 5 cooperatively and to be frank with the police, 6 especially in 1992 and 1993, which is lamentable by any 7 standards, even those of the time. And it shows that 8 decisions about Peter Ball's return to ministry were 9 driven by Ball's own interests, without consideration or 10 understanding of the gravity of what he had done or that 11 it amounted to a history and a pattern of abuse and not 12 to a mere indiscretion. 13 There was little or no regard to the protection of 14 young people. 15 There are other specific points that can be made and 16 which we shall make in our written submissions. It is 17 indeed a cause for shame. It is not for the 18 Archbishops' Council to assign blame to one individual 19 or another, and, as we have said before, it is important 20 not to allow the blaming of individuals to draw a veil 21 over the church's collective failure or to create 22 a false sense that this is all in the past and there is 23 no need for the change in culture which I spoke of 24 earlier, and some of those whose names we have seen and 25 heard this week are dead, some have not given evidence,</p> <p style="text-align: center;">Page 151</p>
<p>1 the period under scrutiny, even if there were 2 significant deficiencies in what happened later on as 3 well. 4 The oral evidence has exposed some of the underlying 5 attitudes, mentality and culture within the church which 6 enabled mistakes to be made. 7 Dame Moira Gibb said in her report that the church, 8 at its most senior levels, and over many years, 9 supported Peter Ball unwisely and displayed little care 10 for his victims. That was certainly not putting it too 11 high, and, in the light of what we have heard this week, 12 may even have been putting it too low. 13 The evidence shows that the church's lack of 14 consideration for those who were reported by themselves 15 or others to have been abused by Ball was shocking and 16 even callous. Despite the obvious vulnerability of 17 a person such as Neil Todd, their needs seem 18 consistently to have taken second place to a focus on 19 Ball's situation and how he could be rehabilitated and 20 supported. 21 It is not even so much seemingly that the victims 22 and survivors were disbelieved, at any rate by those who 23 were in a position to see the letters received and the 24 information to corroborate those complaints. Rather, it 25 is almost as if they were not heard at all, as if what</p> <p style="text-align: center;">Page 150</p>	<p>1 some may be hampered by age and lapse of time in 2 accounting for their conduct. 3 We should also remember, as the evidence has shown, 4 that there were people within the church who spoke out, 5 who supported survivors and who urged caution about the 6 so-called rehabilitation of Peter Ball, although their 7 voices went mostly unheard. 8 It may be that those whose handling of the matter 9 fell short genuinely thought, however misguided at 10 times, that what they were doing was right. Certainly, 11 one must acknowledge that far greater safeguarding 12 advice, resources and training are available within the 13 church today. No doubt also Peter Ball was an 14 exceptionally skilful manipulator of people and 15 distorter of the truth and understanding of the way in 16 which relationships of unequal power can be abused and 17 of the lasting harm caused by certain kinds of abuse is 18 very probably less developed and widespread than that it 19 is now. Yet it seems to us that it will not do to 20 characterise some of what happened here, especially in 21 the earlier stages of the history, simply as a series of 22 excusable errors of judgment explained by a different 23 climate of thought or state of knowledge at the time. 24 That fundamental indifference to the abused of which 25 I spoke earlier is more culpable than that. No-one</p> <p style="text-align: center;">Page 152</p>

1 should ever have thought that that was the way to
 2 behave. No-one, on the facts that were known at the
 3 time, should have thought that Peter Ball could still be
 4 described as being "overall, a wonderful priest and
 5 bishop". No-one should ever have thought that Ball had
 6 shown real penitence or insight into his offending, let
 7 alone that it was safe to allow him to exercise ministry
 8 or to go into schools cloaked with the respectability
 9 and authority of the church and effectively subject to
 10 no oversight, save that of his brother, until a risk
 11 assessment was eventually carried out.

12 There may be doubt as to whether Ball would have
 13 been prosecuted in 1993 even if the church had behaved
 14 with scrupulous correctness. It cannot be said for sure
 15 that Ball committed any further acts of abuse after he
 16 was cautioned, although, as you heard earlier this week,
 17 it certainly cannot be said confidently that he did not.
 18 But the church has to be judged in this inquiry on the
 19 basis of whether it lived up to the right standards of
 20 behaviour. Arguments about causation are no excuse.

21 In any case, and at the very least, there were too
 22 many people who were abused by Ball who had to wait far
 23 too long for that to be recognised by the church, and
 24 Neil Todd did not live to see that happen. That is to
 25 say nothing of, for example, the appalling failure to

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1 follow up the questions that had been raised about
 2 Vickery House.

3 Others outside the church may also have defended
 4 Ball, and some of them may have been unwise or worse to
 5 do so, but that is no excuse for the church, and indeed
 6 the way in which the church acted probably encouraged
 7 others to think Ball had done nothing very wrong.

8 How could the church have been guilty of behaving in
 9 such a way? It is hard to say for sure. As well as the
 10 lack of understanding of abuse and its consequences, it
 11 does seem as though there was an inability to comprehend
 12 that a clergyman, especially a senior and respected one,
 13 with undoubted gifts to inspire and persuade, could also
 14 be capable of wickedness. There was an unwillingness to
 15 face up to clear evidence of some of the things he had
 16 done and its implications.

17 There was moral cowardice, even in an institution
 18 that should have been in no doubt about the morality
 19 which its faith and beliefs dictated.

20 It is a further example of what Archbishop Justin
 21 described in March, having read and heard the Chichester
 22 evidence, as "an extraordinary and atrocious willingness
 23 to turn a blind eye to things going very, very seriously
 24 wrong and entirely damaging human beings for their whole
 25 lifetimes".

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1 As you know, the church, before and during this
 2 inquiry, has apologised and apologised again. You also
 3 know that the Archbishop of Canterbury said in his
 4 evidence in March that, "Apologies are fine, but we have
 5 got to find ways of making it different and we have got
 6 to do it as quickly as we can".

7 The safeguarding landscape within the church has
 8 changed in many ways since the events upon which the
 9 inquiry has been mainly focused this week. There are,
 10 for example, much better safeguarding policies and
 11 training, there has been greater professionalisation and
 12 resourcing of safeguarding within the church, there are
 13 better processes around recruitment, the church is
 14 better at working collaboratively with partners such as
 15 the LADO and the police, and, as the inquiry knows,
 16 further changes are under way and all Dame Moira Gibb's
 17 recommendations have been accepted.

18 It is evident from the events around Peter Ball,
 19 however, that culture and attitudes have to change as
 20 well. Has the church got better at listening and
 21 responding to survivors? We think it has, but it still
 22 needs to improve, and commitments to do so were made
 23 recently at General Synod. The church must continue to
 24 learn from its mistakes.

25 Has the culture changed? In some respects, yes, but

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1 not enough, and not to the same extent in all parts of
 2 the church.

3 Chair, if there are those within the church who
 4 still doubt the importance of these issues, they need to
 5 reflect upon the grim picture revealed this week about
 6 what happens when an institution loses its way in
 7 dealing with such cases. Thank you.

8 THE CHAIR: Thank you, Mr Giffin. Mr Bourne?

9 Closing remarks by MR BOURNE

10 MR BOURNE: Chair and members of the panel, Lord Carey has
 11 admitted serious mistakes. He doesn't seek to avoid
 12 criticism. What he asks for is fair criticism. That's
 13 why the context is relevant. He does not say the past
 14 is another country and therefore mistakes weren't his
 15 fault, but he does ask you to understand that
 16 differences between 1993 and today help to explain some
 17 of the things that happened.

18 Of those many differences, I will mention just two.
 19 First, sadly, people today are no longer surprised to
 20 hear allegations of sex offences made against prominent
 21 people who have had successful careers. That's
 22 a transformation.

23 Second, since 1993, much greater awareness has
 24 developed of grooming, and of how what seems like
 25 innocuous or friendly behaviour may be laying the ground

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<p>1 for sexual abuse.</p> <p>2 How should you go about identifying the relevant</p> <p>3 beliefs and attitudes from 25 years ago? I submit that</p> <p>4 the best evidence is found in what people actually did</p> <p>5 at the time. People's actions or omissions are shaped</p> <p>6 by what they believe. For instance, Lord Carey told you</p> <p>7 that, whatever he heard about Peter Ball's activities</p> <p>8 with young people, that did not ring alarm bells of</p> <p>9 potential child abuse, and that in turn helps to explain</p> <p>10 some of the subsequent events. That evidence may be</p> <p>11 surprising, even shocking, but if it's honest evidence,</p> <p>12 it tells you a lot about the knowledge and understanding</p> <p>13 of people, including Lord Carey, at that time.</p> <p>14 A second example is Mr Murdock's 1993 report to the</p> <p>15 CPS setting out what the police thought were the</p> <p>16 advantages and disadvantages of a prosecution. One</p> <p>17 stated disadvantage was the potential impact on the</p> <p>18 church. Now, it was put to Mr Murdock that this was</p> <p>19 surely not relevant.</p> <p>20 I would suggest to you that its inclusion in the</p> <p>21 report is telling you that back in 1993 it was seen as</p> <p>22 relevant and the police believed that the CPS should</p> <p>23 have regard to it and, indeed, they appear to have done</p> <p>24 so.</p> <p>25 In these examples, past events help to demonstrate</p> <p style="text-align: center;">Page 157</p>	<p>1 the decision to caution was of course made by the DPP,</p> <p>2 not the police.</p> <p>3 Now, as to Lord Carey's admitted mistakes, I touched</p> <p>4 on these in opening submissions and will do so again in</p> <p>5 writing. Given that I only have these few minutes, my</p> <p>6 focus now is on what is contested, not on what is</p> <p>7 admitted.</p> <p>8 Lord Carey did not do anything with any improper</p> <p>9 purpose. He did not engage in any collusion or coverup</p> <p>10 and he did not deliberately conceal any letters from the</p> <p>11 police or from anyone else. Obviously, this matters to</p> <p>12 Lord Carey. Having given his life to the church, it is</p> <p>13 terrible for him to end his career facing allegations of</p> <p>14 behaving in a dishonest or immoral way. Lord Carey is</p> <p>15 not Peter Ball and has not used his ministry as a cover</p> <p>16 for sexual gratification or abuse. His distinguished</p> <p>17 ministry is a known and undoubted fact.</p> <p>18 But these questions matter for a more important</p> <p>19 reason: abuse causes harm in many ways. One of the most</p> <p>20 enduring kinds of harm is anger, and a victim may be</p> <p>21 tormented by feelings such as anger long after any</p> <p>22 physical consequences of abuse have passed.</p> <p>23 Anger has been stoked by the Gibb Review's use of</p> <p>24 the terms "collusion", "coverup" and "deliberate</p> <p>25 concealment". In a rule 10 request, we highlighted the</p> <p style="text-align: center;">Page 159</p>
<p>1 past beliefs and attitudes, and hearing that evidence</p> <p>2 may be a more reliable method than trying to make</p> <p>3 assumptions now about past attitudes and then measuring</p> <p>4 individuals' conduct against those assumptions. But if</p> <p>5 I am wrong, and if those examples do not just tell us</p> <p>6 how matters genuinely were viewed in 1993, what would be</p> <p>7 the alternative explanation of them? In Lord Carey's</p> <p>8 case, an alternative explanation would be that his</p> <p>9 evidence was not honest and that in fact he did believe</p> <p>10 in 1993 that Peter Ball was an actual or potential child</p> <p>11 abuser, and yet, for some reason, he decided to help him</p> <p>12 or shelter him.</p> <p>13 Well, a finding of that kind might please those who</p> <p>14 would like to see Lord Carey scapegoated, but it would</p> <p>15 fly in the face of all the contemporaneous evidence</p> <p>16 showing that Lord Carey, over a period of years,</p> <p>17 maintained his faith, however misguided, in the idea</p> <p>18 that Ball was basically good and that he could be</p> <p>19 gradually rehabilitated.</p> <p>20 For the DI Murdock example, the alternative</p> <p>21 explanation could be that he, in bad faith, tried to</p> <p>22 bring about a lenient outcome for Peter Ball. Well, we</p> <p>23 would suggest that that theory would not be tenable in</p> <p>24 light of his comprehensive and balanced report which you</p> <p>25 have seen, plus the witness evidence and the fact that</p> <p style="text-align: center;">Page 158</p>	<p>1 fact that those terms were not attached to clear</p> <p>2 findings. Lord Carey takes no issue with any of</p> <p>3 the findings which Dame Moira actually made. The</p> <p>4 problem is that the public, and especially victims and</p> <p>5 survivors, seized on the words "collusion" and</p> <p>6 "coverup", as did the present Archbishop of Canterbury</p> <p>7 in a press statement. They inferred a finding that</p> <p>8 Lord Carey had engaged in collusion and coverup. That</p> <p>9 inference must have caused terrible and wholly</p> <p>10 understandable anger.</p> <p>11 We are not here to criticise Dame Moira. That is</p> <p>12 not the point. But we do invite this inquiry to clear</p> <p>13 these issues up.</p> <p>14 I begin with the meaning of the terms "collusion"</p> <p>15 and "coverup". What matters is the meaning which the</p> <p>16 public, the press, the victims and survivors will give</p> <p>17 to those words when they are used in reports. If those</p> <p>18 readers will understand a word or phrase in one sense,</p> <p>19 then it is dangerous and wrong to use it in another.</p> <p>20 "Collusion" only means one thing. It has one clear</p> <p>21 meaning in the dictionary and the public understands one</p> <p>22 thing by it: you collude with someone if you agree or</p> <p>23 act in concert with them for an improper purpose. There</p> <p>24 is no such thing as innocent or accidental collusion, or</p> <p>25 at any rate no such concept that the press and the</p> <p style="text-align: center;">Page 160</p>

<p>1 public will take on board. 2 "Coverup", similarly, means one thing: it happens 3 when people deliberately hide something bad. Something 4 bad may be hidden as a result of mistakes, but the 5 public does not see those who make the mistakes as the 6 authors of a coverup. 7 Dame Moira's phrase was, "Coverup and collusion fall 8 on a spectrum that includes carelessness and 9 partiality". She was right to include partiality, which 10 may well form part of any collusion or coverup, but she 11 was wrong to include carelessness. As I have said, the 12 public and press will hear the word "collusion" and give 13 it its usual meaning. 14 What Dame Moira identified at that point in her 15 report was that Lord Carey hoped that if there was no 16 prosecution, the matter -- that is, the complaint 17 against Ball -- would go no further, because that was 18 said in a letter to Bishop Michael Ball -- not exactly 19 a neutral document -- just three days after the arrest 20 and so at a very early stage. Not too much should be 21 based on that letter, I would submit. 22 However, it is hardly surprising that the archbishop 23 hoped that a sex scandal involving a bishop would come 24 to nothing. It certainly doesn't show that he then 25 entered into a collusive coverup and there is not an</p> <p style="text-align: center;">Page 161</p>	<p>1 to hide anything from the police. 2 Chair and panel members, as you know, he told one of 3 the letter writers to go to the police and a second 4 writer revealed that he was going to the police and 5 Lord Carey was also told at the time that Ros Hunt had 6 passed two allegations to the police. Lord Carey could 7 not have thought it possible to hide the wider picture 8 from the police, even if that's what he'd wanted to do. 9 He accepts severe criticism for not realising that 10 the letters should go to the police, though there was of 11 course no legal duty to hand them over. But it is time 12 to dispel the idea that the archbishop sponsored 13 a coverup. 14 We know you will bear in mind what has happened so 15 far. Archbishop Welby took up the theme of collusion 16 and coverup and for a time effectively deprived 17 Lord Carey of all ministry. When challenged on this, he 18 said in a letter: 19 "With regard to your comments about collusion and 20 coverup, I'm simply repeating what was said by 21 Dame Moira Gibb." 22 Well, that reaction may have pleased the press and 23 public, but it was unfair and illogical. A priest can 24 be deprived of ministry by a careful and formal process 25 under the Clergy Disciplinary Measure, but no such</p> <p style="text-align: center;">Page 163</p>
<p>1 evidential basis for concluding that he did so. 2 Before lunch today, Dame Moira had the chance to 3 tell us whether there was any collusion, properly 4 defined, in this case, and in short, she did not. 5 Chair and panel members, you have the opportunity to 6 push that incendiary word "collusion" out of this case, 7 and I urge you to do so. It is a word which has only 8 caused anger and harm. 9 As to coverup, Dame Moira's focus under that heading 10 was entirely on the letters that went to Lambeth Palace 11 and were not shared with the police. Her conclusion was 12 expressed in a very nuanced way. She said it must have 13 been "more of a decision than an omission". The failure 14 to pass the letters "must give rise to a perception of 15 deliberate concealment". 16 In her evidence today, Dame Moira explained the word 17 "perception". She made no finding that any identified 18 person or persons deliberately concealed letters. All 19 that she recorded was the evidence that Bishop Yates was 20 asked for correspondence and provided just one letter. 21 We cannot know what Bishop Yates thought or decided, 22 but it would be to the benefit of everyone, especially 23 victims and survivors, to know now that Lord Carey, 24 whilst of course being the man ultimately responsible 25 for the acts and omissions of his staff, did not decide</p> <p style="text-align: center;">Page 162</p>	<p>1 process was used here, and that process is surely 2 a powerful weapon to protect congregations from abusive 3 priests who may misuse their ministry to enable or 4 shelter abuse. Nobody has suggested that Lord Carey has 5 ever done, or could do, any such thing. 6 Unlike Peter Ball, Lord Carey has dedicated his life 7 to a true ministry. He made awful mistakes in this 8 case, and he has told you, and will tell you again, how 9 sorry he is. But he was not some covert supporter of 10 sex abuse. Nothing could horrify him more. He deserves 11 his share of the blame, not for the abuse, but for the 12 inadequate response to it, but he should not become 13 a scapegoat for the harm done by Peter Ball. Two 14 wrongs, after all, do not make a right. 15 Chair, unless I can assist any further? 16 THE CHAIR: Thank you, Mr Bourne. Mr Brown? 17 Closing remarks by MR BROWN 18 MR BROWN: Chair and panel, plainly, you have not had all 19 the relevant evidence presented before you, 20 understandably, due to the inevitable constraints that 21 you are under this week, and we, on behalf of the CPS, 22 will be presenting a fuller representations document 23 which will refer to the wider evidence that's been 24 disclosed. But in the next few minutes, we address in 25 outline the five questions posed in opening relevant to</p> <p style="text-align: center;">Page 164</p>

1 the CPS. We go no further because they have been chosen
 2 to define the principal issues, and they attach of
 3 course to two discrete timescales -- 1992/93 and 2015.
 4 The first two questions go hand in hand, in a way:
 5 why was Peter Ball cautioned and not prosecuted in
 6 1992/93; and, secondly, should it have been
 7 administered, the caution?
 8 Can I ask Mr Hyde, for convenience, to bring up
 9 INQ001348 at page 6. It comes from a slightly different
 10 document, in fact, but this is a useful quote to see how
 11 it was approached in 1992/93:
 12 "Had it been possible to bring charges against Ball
 13 in respect of more than one complainant, our unanimous
 14 view would have been in favour of prosecution on the
 15 basis of systematic breach of trust. In the
 16 circumstances as they are, however, we share the police
 17 view that a caution would be a proper disposal and be in
 18 the best interests of all concerned."
 19 This comes, of course, quite late on in those few
 20 months.
 21 You will remember the handwritten document saying,
 22 "If no caution, our view, prosecute."
 23 The evidence as to whether he was -- why was he
 24 cautioned and not prosecuted and should it have been
 25 administered, the short answer is that the Home Office

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1 guidelines were not adhered to, there were no plain
 2 recorded admissions, as there should have been. And so
 3 the short answer is, no, it shouldn't have been
 4 administered.
 5 Also, arguably, it shouldn't have been in principle.
 6 However, that insight by Mr McGill comes with hindsight
 7 and without having the advantage of knowing what
 8 Mr Todd, Neil Todd, how he would have reacted if,
 9 confronted by the real prospect of being in the witness
 10 box in a trial of sexual acts by a bishop, in the public
 11 gaze, knowing, as we do, that the measures today far
 12 exceed the measures available then to help the
 13 vulnerable, and knowing, too, that the adversarial trial
 14 in 1992 was sometimes a cruel place, as very many found,
 15 and as Mr Murdock so eloquently described.
 16 But Mr Murdock and separately Mr McGill both
 17 identify a defining consideration, in our submission,
 18 and that was Neil Todd's own personal position.
 19 Plainly, rightly so, as we know, he had attempted
 20 suicide, sadly, and been confined to hospital twice.
 21 This was, therefore, serious.
 22 In four contemporaneous documents, at least, the
 23 following words appear: "Vulnerable victim", "traumatic
 24 experience for victims in the event of a trial", "victim
 25 fragile", "Todd suicidal", "homosexual".

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1 Not only was this a proper human consideration,
 2 there was an obligation to consider this according to
 3 the codes for Crown Prosecutors then in force. Because
 4 those in charge had to "look beneath the surface of
 5 the statement".
 6 So this was, as described by Mr Murdock, who was, as
 7 it were, the contemporaneous witness, and by those
 8 looking back, as you can now, a really important and
 9 primary consideration, a human one.
 10 You cannot ignore as well during that period the
 11 question of consent in indecent assault and recalling
 12 that gross indecency was in time for the purposes of
 13 Neil Todd.
 14 Those are important considerations, but the short
 15 answer, because of the failure to obtain proper
 16 admissions and recorded admissions, is, no, it shouldn't
 17 have been administered.
 18 The third question is why other complaints were not
 19 prosecuted. The other two witnesses presented to the
 20 CPS were there but not enthusiastic witnesses, as you
 21 heard. They didn't want to be witnesses themselves as
 22 a charge and that, when looking at it as a prosecutor,
 23 is not a confident position to be in.
 24 As you heard, "Gross indecency, GI, was time barred.
 25 Indecent assault, consented". Those were the reports.

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1 Mr McGill, however, identified assault occasioning
 2 actual bodily harm. I say in passing there could be no
 3 question of causing grievous bodily harm with intent,
 4 section 18, here or in 2015. Mr McGill thinks that the
 5 assault occasioning actual bodily harm does appear to
 6 have fallen away. We don't really know why, although
 7 there was, I quote, "Wounding. No complaint. No
 8 medical evidence" -- that may have been too
 9 restrictive -- and, thirdly, consenting. So there was
 10 clearly a consideration of it, of having to get over
 11 those hurdles, and that may be why ABH, assault
 12 occasioning actual bodily harm, fell away. You know as
 13 well the House of Lords was litigating the question of
 14 consent in assault at that very time.
 15 Indeed, in Mr Murdock's report there is evidence
 16 that one of the two additional witnesses would not,
 17 quite understandably then, give the police the name of
 18 his partner who could provide the evidence of having
 19 seen the injury, and that hurdle couldn't be overcome by
 20 independent evidence therefor.
 21 So those submissions give you an idea, an insight,
 22 perhaps, as to why other complaints were not prosecuted.
 23 Peter Ball's resignation has also given rise to
 24 comment. It was and would be today a consideration.
 25 However, importantly, we submit, it was not and cannot

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<p>1 have been a prerequisite for a caution. It is perfectly 2 acceptable to take this type of consideration into 3 account, but was not and cannot be, then or today, 4 a condition of caution. But, ultimately, Mr McGill was 5 to say Peter Ball would have been prosecuted, in his 6 view, today. The abuse of trust and influence were very 7 significant considerations. That is in the light, 8 however, of the measures in place today which are 9 a world apart from 1992. The courtroom is a better 10 place. The witness need not be in the court building 11 even; can be cross-examined remotely before the trial; 12 help is on hand; judges are more accommodating, 13 barristers too; and questioning can be curtailed. And 14 we are 25 years on in society as well, something that 15 shouldn't be forgotten.</p> <p>16 There is, however, an important distinction, 17 perhaps: today, yes, prosecute, arguably; and then, as 18 against that, prosecute then, had there been no caution? 19 Given the legal uncertainties, given Mr Todd's very 20 fragile state, given the reluctance of the two 21 supporters who did not want to be witnesses in their own 22 right, the answer as to whether he ultimately would have 23 been prosecuted and, therefore, whether it was a lost 24 opportunity is much more uncertain, you may think, and 25 you may conclude that that answer then was too</p> <p style="text-align: center;">Page 169</p>	<p>1 produced, and you will recall that not only in 2015 was 2 there a disclosure junior barrister, her sole job being 3 disclosure, who would have found and disclosed them, but 4 Mr Ball's QC argued abuse of the process and no such 5 letters were produced then.</p> <p>6 As I say, it is a side issue which should fall away. 7 I touch on 2008. You will remember that the CPS 8 were asked to consider, it seems almost informally, 9 whether any evidence was provided by some letters, 10 leaving aside the admissibility of any such letters. No 11 criminal behaviour was revealed to the CPS on analysis, 12 and that analysis is supported today.</p> <p>13 More importantly, then, 2015. The next question: 14 why did the prosecution accept those pleas? What the 15 evidence has told you is that there can be no doubt that 16 this was looked at with the very greatest care and 17 approached with real determination. That's the evidence 18 of Mr Hughes, in reality, who was trying to give his 19 balanced view. He was clear in saying the CPS dealt 20 with what was a very complex case, legally and 21 factually, in a dedicated, imaginative and thorough way, 22 even if there were legitimate concerns as to the time it 23 was all taking.</p> <p>24 Misconduct in a public office. As far as we know, 25 never used before for a member of the clergy. Indeed,</p> <p style="text-align: center;">Page 171</p>
<p>1 uncertain.</p> <p>2 It is like having to look into the crystal ball: it 3 is difficult.</p> <p>4 The fourth question: was there any undue or improper 5 pressure brought to bear? The real question, we submit, 6 for the CPS here is whether the representations had any 7 effect or not. It may be that I don't need to comment 8 on whether the letters and so on, from whomever they may 9 have been -- MPs, Lord Justices, archbishops, should 10 have been sent, and I don't bother, so to speak. The 11 real question is whether there is any evidence of those 12 others' views having the slightest effect on the CPS 13 decision and we submit there is none. You may think 14 that the strong impression you have got is that the CPS 15 is jealous of its independence and, whilst courtesy is 16 afforded in reply, that is about it.</p> <p>17 A side issue has arisen which I will briefly deal 18 with: were there any letters or promises of immunity? 19 It is not really relevant, in fact, to any of 20 the questions that have been posed to you, and I am not 21 at all sure where it is going. But it has been raised 22 on behalf of Peter Ball. The evidence is that there 23 were none. You will wish to recall that they were said 24 to be letters to Peter Ball's solicitors, so presumably 25 they would be still available to them and none have been</p> <p style="text-align: center;">Page 170</p>	<p>1 one of the legal arguments in that case in 2015 before 2 Mr Justice Sweeney was whether it could be used for 3 a member of the clergy.</p> <p>4 Secondly, consent hadn't gone away. The case had to 5 be dealt with under the old law. There were many 6 allegations, hundreds of pages of advice, leading 7 counsel, now a High Court judge, junior Treasury 8 counsel, a 25-year-old decision by the DPP, and, as we 9 know, there was, as confirmed by the assistant chief 10 constable, always a risk of an acquittal.</p> <p>11 Well, there was no question, we submit, of any sort 12 of shortcut by the CPS or indeed by the police here. 13 You will see that Ms Levitt QC's advice, taking over 14 from another's, Mr Drew's advice, again in conference 15 they went through every single complaint, analysed it 16 carefully, first of all whether it amounted to an 17 offence in law and whether the evidence, secondly, was 18 sufficiently clear.</p> <p>19 Mr Hyde, could you get up, please, CPS003465_004: 20 "At the case conference, having worked through each 21 of the proposed charges, two remained as viable: the 22 indecent assault of Graham Sawyer and the indecent 23 assault of Philip Johnson and some further work was 24 proposed in respect of some of the other allegations 25 before a final decision could be made."</p> <p style="text-align: center;">Page 172</p>

1 And to paragraph 28, two on, please. This is
 2 Mr Drew's statement, and this gives you a good insight
 3 to the approach:
 4 "By this I mean that as well as this case being
 5 about sexual abuse, it was also, arguably more so, about
 6 the corruption of power and position by Ball, his
 7 subversion of religion, and his manipulation of
 8 the complainants' faith to gain their compliance in the
 9 commission of sexual acts. A charge of misconduct ...",
 10 et cetera, "could more precisely reflect ...",
 11 et cetera. That is a private document, so to speak,
 12 giving his insight. You will hear also in the wider
 13 submission that two additional charges were added to the
 14 indictment.
 15 A large number of victims came forward, and it was
 16 only later, when an offer of a plea of guilty and the
 17 basis of it was refused, that a further basis of plea
 18 was brought forward. You will see in the opening of
 19 Ms Cheema -- I don't labour it now -- there were
 20 74 paragraphs setting out the allegations covering
 21 18 pages of summary. There are duties upon the
 22 prosecutor in accepting pleas. It is subject also to
 23 the judge's approval and the judge's consent to leave
 24 a case on the file. The question is, does the totality
 25 of the criminality provide the judge with sufficient

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1 sentencing powers to address the individual on the basis
 2 if the case is as set out.
 3 Here, the statutory maximum for misconduct is life
 4 imprisonment. So there can be no question of losing, as
 5 it were, the availability of a high sentence in respect
 6 of the victims, and we know from the evidence that two
 7 were children, aged 16 or 17, and two were also between
 8 13 and 18 and 17 and 20, and we also know that the
 9 indecent assault sentences were subsumed as to be
 10 concurrent in the sentence for misconduct.
 11 MS SCOLDING: Mr Brown, may I just remind you of the time,
 12 sorry?
 13 MR BROWN: Thank you very much.
 14 There is no suggestion that this course was in any
 15 way questioned by the High Court judge who had to
 16 approve it, or by all of those people separately looking
 17 at it, and we submit there cannot be any suggestion that
 18 this case was not given the closest of attention and it
 19 was looked at with real determination. Any idea that
 20 this plea of guilty was taken as a result of convenience
 21 or anything of this kind we submit flies in the face of
 22 the evidence.
 23 What steps the CPS need to take to overcome any
 24 problems we will address in writing later, as you have
 25 invited us to do. Thank you very much, and apologies

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1 for taking up a little more of your time.
 2 THE CHAIR: Thank you, Mr Brown. Finally, Mr Underwood?
 3 MS SCOLDING: No, Mr Underwood has indicated that he is not
 4 going to give any written submissions. Sussex Police
 5 have, however, identified they will give written
 6 closings, as have Gloucestershire Police, and I'm sure
 7 others.
 8 Closing remarks by MS SCOLDING
 9 MS SCOLDING: Chair and panel, obviously it is not the role
 10 of counsel to the inquiry to sum up. I just have a very
 11 few brief remarks. I would like to thank everybody --
 12 in particular the legal teams and all the witnesses who
 13 have attended -- for their patience and cooperation.
 14 I would also like to thank everyone for the courteous
 15 and respectful way in which this hearing has been
 16 conducted and in their approach and role towards us as
 17 counsel to the inquiry.
 18 Just a few statistics, so that everyone can feel
 19 that they have earned their fees: 108,000 pages of
 20 documents were received by the inquiry during this
 21 investigation, and 53,244 pages were disclosed;
 22 118 witness statements were obtained from
 23 97 individuals; we have heard 14 live witnesses and
 24 three read witnesses.
 25 Last, but by no means least, we want to hold and

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1 remember Neil Todd and his family and hope that they are
 2 able to find peace and solace after what must have been
 3 a painful reawakening of their memories.
 4 We also wish to thank all the other victims and
 5 survivors, whose courage in speaking to us and whose
 6 insight, wisdom and understanding is both central and
 7 essential to the work of this inquiry. We apologise for
 8 any distress and upset that this week may have caused to
 9 them. Thank you very much.
 10 Closing remarks by THE CHAIR
 11 THE CHAIR: Thank you, Ms Scolding. I will add my own and
 12 the panel's thanks to what you have just said. We are
 13 very grateful to those who have gathered and sent
 14 evidence in to the inquiry for the purposes of this
 15 investigation, even in these last few weeks, and your
 16 efforts in bringing information to the inquiry's
 17 attention are very much appreciated and it will all be
 18 considered.
 19 We would like to extend our thanks to all of
 20 the representatives for their assistance and to all the
 21 inquiry staff for ensuring the smooth progress of
 22 the hearings.
 23 We will now review the material and evidence from
 24 this case study and we will work towards a single report
 25 which will set out our findings on both this case study

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<p>1 and the Chichester case study. Our hope is that we will 2 be in a position to publish this report in the first 3 quarter of 2019. 4 With that, I will draw the hearings to a close, and 5 thank you very much to everyone. 6 (3.38 pm) 7 (The hearing concluded) 8 9 I N D E X 10 11 Welcome and opening remarks by THE1 12 CHAIR 13 14 LORD ANTHONY LLOYD of BERWICK2 15 (sworn) 16 17 Examination by MS SCOLDING2 18 19 Questions by THE PANEL36 20 21 Letter from HIS ROYAL HIGHNESS the37 22 PRINCE of WALES (read) 23 24 Extracts of correspondence (read)49 25 Page 177</p>	
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