

OPENING NOTE OF PETER BALL HEARING

1. Chair and Panel, I am Fiona Scolding, senior counsel to this Anglican investigation. To my right are Ms. Anna Bicarregui, Ms. Nikita McNeill, and Mr. Ben Fulbrook, junior counsel to this investigation.

letter

2. The Core Participants and their representatives, are as follows:
 - Representatives for the complainants, victims and survivors represented by Slater & Gordon - Mr Richard SCORER of Slater + Gordon and Mr Iain O'DONNELL
 - Counsel for the complainants, victims and survivors represented by Switalskis - Mr William CHAPMAN
 - Mr Chapman also represents the Minister and Clergy Sexual Abuse Survivors organisation - known as MACSAS.
 - Leading Counsel for the Archbishops Council - Mr. Nigel GIFFIN QC
 - Solicitor for the Ecclesiastical Insurance Office - Ms Anna PARRY
 - Leading Counsel for Bishop Peter Ball - Mr. Richard SMITH QC
 - Leading Counsel for Lord Carey of Clifton - Mr Charles Bourne QC
 - Leading Counsel for the Crown Prosecution Service - Mr. Edward BROWN QC
 - Leading Counsel for the Chief Constable of Sussex Police - Mr. Ashley UNDERWOOD QC

- Leading Counsel for the Gloucestershire Constabulary - Mr. Gerry BOYLE QC
 - Leading Counsel for Northamptonshire Police- Miss Samantha Leek QC
3. There are no preliminary matters that any of the core participants wish to raise so we will proceed straight to opening this case study.
 4. On 7 October 2015 at the Central Criminal Court, Peter Ball was sentenced to 32 months in prison. He was convicted of two offences of indecent assault and an offence of misconduct in public office which involved offending against thirteen different individuals. The Inquiry has been provided with details of allegations made by a total 32 individuals which relate to an abuse of power by Peter Ball, for the purpose of his sexual gratification. A risk assessment carried out in 2009 identified that Peter Ball could be described as a sexual predator given the length and scale of his offending.
 5. Today is the first day of the Peter Ball case study, but not the first day of our hearings in this investigation. We already heard a significant quantity of oral evidence and received written witness statements and documentary material during the course of the Chichester case study about Bishop Peter Ball, as the offending for which he was convicted

largely took place whilst he was Suffragan Bishop of Lewes, situated in the Diocese of Chichester, between 1977 and 1992.

6. During my opening, I will call him Peter Ball even though, under the current church disciplinary procedures, he is unable to be deposed from Holy orders and so is still able to call himself Bishop and use the designation “the Right Reverend”. I do so because many victims and survivors are upset that he is still able to use this clerical address despite his offending.

7. We have been greatly assisted by the work already undertaken into the response of the Church by Dame Moira Gibb, whose report, an Abuse of Faith, published in June 2017, established the chronology of what happened in respect of the Church’s response to Peter Ball’s arrest and subsequent caution.

8. This hearing focuses upon the response of the Church of England, police , prosecution and those intertwined with those institutions to allegations made against Peter Ball which first came into the open in late November 1992. It was then that a young man called Neil Todd went first to the Bishop of Southwark, and then his parents told the

police (on 12 December 1992) that Peter Ball, under the guise of spiritual guidance, had sought to sexually exploit him.

9. The Inquiry wishes to take a moment to hold in our thoughts the relatives and partner of Neil Todd and to recognise the pain and anguish that this case study may cause them. After he was contacted in 2012, Neil Todd, who had spent 20 years trying helping others in deprived communities in the Antipodes, took his own life. We remember him this morning. We also thank all the other complainants, victims and survivors who have come forward to tell us again their accounts . We recognise the emotional distress that this hearing may cause to them.

10. During the course of this opening and hearing, I will use the term complainant to identify someone who has alleged sexual abuse by an individual but where there has been no conviction or admission of liability through civil trial or other means. Otherwise, I will refer to individuals as victims or survivors. The Inquiry knows that some individuals consider themselves neither victims, nor survivors, but just people to whom something happened.

11. Peter Ball was arrested for the first time on 14 December 1992 when he was 60 years old . His fall from grace was a huge shock to the Church. Here was a very senior clergyman, with enormous spiritual authority. Not only was he someone with power, but his charm was legendary. Sir Robin Catford, the Appointments Secretary to the Prime Minister when recommending him to become Bishop of Gloucester in 1992 described him as follows:

“Peter Ball is a man of humility, holiness and vision combined with quite extraordinary personality, impish humour and an unrivalled ability to communicate to the highest and lowest of ages and background. He is, of course, a celibate - but he is a completely adjusted and confident person who is loved and revered by everyone who crosses his path, even on the shortest contact. “

12. Witnesses to this Inquiry talk of his charisma, and his oratorical brilliance. Rowan Williams, the former Archbishop of Canterbury called a sermon of his one of the best that he ever heard in the evidence he gave to this Inquiry. He and his brother, who was also a Diocesan Bishop were even minor celebrities in the 1980's - even an appearance on Wogan.

13. His power was further enhanced by his cultivation of influential friends both within and outside the Church . He did not stint from mentioning those friends in prominent places where he thought it would assist his cause, and was well known, even before his arrest, for telling his young people about the prominent people he had met socially or spiritually so that they knew he had powerful people as his allies. The correspondence seen by the Inquiry written by Peter Ball after his caution to various members in the Church also made frequent reference to his friendship with those who were powerful or influential.

14. So loved was he that many people simply could not or did not believe that he was guilty. To give an example of how he was regarded, Lord Lloyd of Berwick, then a judge of the Court of Appeal and about to become a member of the House of Lords judicial committee, described him in a letter sent to the Chief Constable of Gloucestershire Police on 2 February 1993, whilst Peter Ball was under investigation (OHY000096 at 70) in the following terms:

“....I must pass on what I know about Peter Ball himself. He, is quite simply, the most gentle upright and saintly man I have ever met. I remember some years ago hearing him preach about St. Francis , when he quoted the saying that St. Francis had

set the world laughing, and then bathed it in his tears. It occurred to all of us who heard him then that if there is a latter day St.

Francis, then Peter Ball is him.”

15. This quotation is typical of the outpouring of support sent to various policemen, prosecutors and the Church in the days after Peter Ball’s arrest. The Inquiry has drawn together a schedule of letters sent in support of Peter Ball which it will place on the website and which shows the esteem in which he was held.

16. Those who are friends and supporters of Peter Ball consider that the response of the church and police during 1992 and thereafter was wrong, as here was a man who had lost everything in his life - his work, his passion and his influence. They consider that his criminal prosecution in 2015 was cruel and unnecessary, as he was a very elderly man who was at no risk of further reoffending and had become a pariah within his own community.

17. Conversely, to many people the actions of the church and the police in 1992 and subsequently smacked of a cover up: that those in high places had acted to hush up the offending, and the church had been more concerned to restore Peter Ball to ministry than to identify, investigate

or manage the needs of victims and survivors. Despite his caution, Peter Ball was not subject to any disciplinary measures by the Church until he was prohibited for life following his 2015 conviction.

This case study

This case study will seek to explore the following questions :

- (1) Why did Bishop Peter Ball escape detection as an abuser, despite, as it has now emerged, the fact that he made sexual advances to a significant number of young men who came within his ambit of influence?

- (2) Why did the Church permit him to run a scheme where young people came to stay with him for extended periods of time, from his home, without any supervision or oversight, and without any real sense of what was happening or who was there, over a 10 year period whilst he was Bishop of Lewes?

- (3) Why he was given a caution, rather than prosecuted for the offending that the police investigated in 1992-1993 in respect of Neil Todd and others. Why were the other complaints not prosecuted at the time ?

- (4) Why Peter Ball was represented by a lawyer who was also the Diocesan Registrar - who was the lawyer for the Diocese in religious matters and who discussed the case and Peter Ball's defence with various senior members of the Church during the course of the investigation and if this was a conflict of interest.
- (5) Was it wrong for the church to become involved in seeking to defend Peter Ball by employing a private detective on his behalf and in engaging with the investigation?
- (6) Whether the Church, police or prosecution were put under undue and improper pressure by individuals who held positions of power and influence within society to try and quash the criminal allegations made against him and to return him to Ministry after the caution was administered?
- (7) Why he was not subjected to any disciplinary action by the Church until 2016? Were the disciplinary powers of the church at the time fit for purpose to manage these sort of allegations? Why, given the frustrations expressed by senior individuals within Lambeth palace about Peter Ball's lack of insight into his own offending behaviour, was no risk assessment process undertaken until 2009 ?

- (8) Why he was allowed to return to public ministry, and was granted permission to visit schools and undertake confirmations in the light of what was known within the church at the time?
- (9) Why didn't the Church refer the letters received by Lambeth Palace immediately after Peter Ball's arrest in December 1992 to the police until 2010 and would such failure have amounted to a crime?
- (10) Was the internal investigation of the information in the letters adequate?
- (11) Why the prosecution decided to accept the guilty pleas entered by Peter Ball in 2015 and why they did not pursue other offences to trial?
- (12) Whether or not the Church would approach a matter concerning a senior member of the Church in a similar manner today, and if not, what steps have been put in place to create a consistent approach to dealing with such allegations?

(13) What steps does the Church, police, Crown Prosecution Service and society need to undertake to overcome any problems that this case study demonstrates?

18. We have sought and obtained evidence from Peter Ball. He has provided two witness statements to the Inquiry. We have received medical evidence that he is too unwell to give evidence to us in person. Both his witness statements will be placed upon the website today. He has provided an apology in the second of those witness statements and has identified that he has not been open or shown penitence in the past (paragraphs 5 – 24 of his second witness statement). He also identifies that he did not have the courage to be forthright about his sexuality (paragraph 340 of his w/s), stemming, possibly, at least in part, from the fact that for the first 35 years of his life having sex with men was illegal.

19. The Panel may consider that Peter Ball's story is not unique, despite what some in the church have stated over the years. The underlying narrative of abuse of power, and the seduction of the society around them to permit such abuse to take place unheeded is a central feature of much sexual offending. We are told in numerous serious case reviews and by research by the NSPCC about offending in schools, that in order

to abuse successfully, you have to manipulate not just victims and survivors, but also the society around you. This Inquiry has heard evidence about numbers of others about whom the same can be said both in this investigation and in others.

20. Those who worked at senior levels within Lambeth Palace and those who have subsequently carried out reviews for the Church have characterised Peter Ball's behaviour subsequent to his arrest as showing a remarkable lack of insight. He pursued a course of extensive correspondence with anyone who he thought could assist him, and those letters reveal someone who sought to manipulate the facts to his own ends. Various sources have identified that his correspondence to the Church showed a potent combination of wheedling, emotional blackmail and unctuous praise to return to ministry.

Peter Ball's career

21. In order to understand adequately the institutional reaction to Peter Ball's offending, it is necessary to understand something of both the Church, and also of Peter Ball's role within it at the time of his arrest in 1992.

22. Peter Ball was a Diocesan Bishop at the time of his arrest - as we heard at the hearing into the Diocese of Chichester from various holders of that post that they are the Chief pastor of the area and the principal minister. Before his elevation to Diocesan Bishop, Peter Ball had spent a long period as a suffragan Bishop – i.e. someone chosen by the Diocesan Bishop to assist with a particular geographic area. Bishop Eric Kemp, who was the Diocesan Bishop at that time, allowed Peter Ball to make decisions about ordination and recruitment.

23. Peter Ball's route to the the episcopate was in some ways unorthodox. In the early 1960s he and his brother set up a religious community called the Community of Glorious Ascension ("the CGA"). In his first witness statement, Peter Ball identifies that he wanted to set up a religious teaching order within the Church of England for men and that the level of supervision by the church of this was minimal. The teaching work undertaken by members of the Community was by way of invitation rather than formal application for a post. There was no , or little , publicity on a formal level of what the Community did, but as word spread, people sought out the CGA.

24. Alongside his work with the CGA, amongst certain public schools with an Anglican ethos, Peter Ball developed a reputation as an impressive

speaker and counsellor. Peter Ball says he did not seek out these invitations but they simply appeared (paragraph 9.2 of his first witness statement - 1/2/18). He says that he was not subject to any supervision or discussion about child protection or safeguarding when he went to speak at such schools, or to any safeguarding checks.

25. We have received evidence from Ian Beer, former headmaster of Ellesmere College, Lancing and Harrow School that Peter Ball would come and speak at the schools and would provide counselling and guidance. He became a governor at Ellesmere College and at Lancing College on Mr Beer's recommendation. Another headmaster of both Rugby and Lancing College, James Woodhouse (ANG000324) speaks of his abilities to listen and talk to young people and that he had exceptional gifts at communicating with them. Both state that there were no hints at the time that there was anything untoward in Peter Ball's behaviour.

26. In the late 1970s/early 1980s , Peter Ball developed a scheme called "Give a Year to God" . This was set up informally by Peter Ball with the approval of Bishop Kemp, the then Diocesan Bishop. From Bishop Kemp's evidence to the police in 1992, it appears clear that whilst Bishop Kemp knew of the scheme, he did not visit it, or supervise it, or

know what was happening within it. There was no formal approval process given (or in fact apparently needed) before setting this up. Peter Ball has told us that no steps were taken in respect of child protection or safeguarding. (ANG000209-9, para 25, p9). The Church also seems to accept that there was no mechanism for supervising, assessing or visiting these sorts of schemes or even knowing what was going on.

27. From the information that we have been provided with by way of witness evidence and other information about members of the scheme, most of them heard about it either from University chaplains or because they had heard Bishop Peter speak at events, including at their schools, and they had a hankering for the religious life. Some of them tell us that they were at a vulnerable moment in their lives: either because they were grappling with their sexual orientation and identity; with their relationship with God; or with what to do with the rest of their lives. Some of them had been sent to be looked after by Peter Ball after misbehaving at boarding schools, and were on their own. Some of them also tell us that they had experience mental health crises , or had not succeeded when at university and were lost and looking for a way forward.

28. Those who attended the scheme lived (if they were men) with Peter Ball at his home in East Sussex , sleeping on mattresses and living a fairly spartan existence. They were provided with some religious instruction by, in the main the Rev Vickery House (who is now a convicted sex offender). They rose early, and undertook the liturgy of the hours, which are a set of specific prayers and psalms to mark the hours of the day. From AN-A7 and AN-A8 who have already given evidence at the Chichester hearing , we heard that there was much emphasis upon asceticism and prayer. By asceticism we mean a simple lifestyle with periods of silence and manual work . There were no supervisors or regular religious visitors to the scheme, save for a priest who would hear confessions of the schemers if they wished. There were no formal safeguarding processes in place, (paragraph 33). The scheme ended when Peter Ball became Bishop of Gloucester in 1992.

29. In his 2015 Basis of Plea, Peter Ball admitted

“.. whilst having established a genuine course of religious thinking and tuition for young people to study and follow under the Scheme, [the Defendant] then took the opportunity to commit the acts comprising the misconduct under the guise of those acts being a further part of the austere regime of devotion and religious teachings, when they were not. That other conduct was

for the Defendant's sexual gratification and was not part of the approved/received teaching of the Church of England, nor of St Francis of Assisi, and was nowhere else practised with approval. It was never expressed publicly, in writing or as part of the terms of attendance on the Scheme. The Defendant often told victims not to say what they had experienced with him”.

30. Whilst the majority of those attending the scheme were over 18, there were some individuals who lived with Peter Ball during this period who were under 18. A complainant tells us that he was sent there by his school after misbehaving when he was 16 (AN-A2) and there is at least one other example of a boy under 18 being sent to live with Peter Ball by his school.

31. Peter Ball's work with young people was well known in the 1980's amongst senior clerics within the Church, so that when appointments came up related to young people, he appears to have been thought of as a suitable candidate. For example, he had appointments to the Headmaster's conference and to the Anglican Scouting Fellowship because of his gifts with the young.

Peter Ball's offending

32. It is important that everyone is clear about what Peter Ball pleaded guilty to in 2015. The agreed basis of plea (INQ001347), is a document agreed between Peter Ball's representatives and the Crown Prosecution Service for the purposes of the sentencing of Peter Ball. Peter Ball pleaded guilty to the offence of misconduct in public office. This was an offence which, we are told, was little used by prosecutors in 1992, but had been the subject of some high profile cases in 2011 and 2012.

33. Peter Ball pleaded guilty to this offence as against 13 young men. He accepted by his plea that:

(i) He obtained sexual gratification from the deliberate manipulation of vulnerable young men. The frequency of contact over a given period of time with most, but not all of these men was consistent with a pattern of "grooming".

(ii) He abused his position as a Bishop in the Church of England by making suggestions to victims that either their religious life, or their social life would be improved by engaged in the acts which he suggested.

(iii) I have already read that Peter Ball also accepted that he had used the scheme to assist his offending.

34. We have already heard evidence in the Chichester case study from two of the young men against whom Peter Ball pleaded guilty of this offence. We are to hear from three more this afternoon. There have been written accounts given by many others. To give some examples of Peter Ball's behaviour to which he pleaded guilty, it included:

(a) Caressing whilst nude (an-a108: an- a99: an-a5) as a way of expressing "non genital love" (the words of Peter Ball, not myself) in order to liberate inhibitions and to show love for Christ: this included anointing the body , deliberately placing the sexual act in the context of the holy act of anointment.

(b) Naked prayer , with embraces after praying (an- a108: an-a99: an-a104: an-a7: an-a5:an-a8). This was suggested as a way to show devotion to Christ and to leave the past behind you

(c) Suggesting masturbating in front of Peter Ball during a counselling session as a way to assuage the young man's feelings of guilt about masturbation. This person was under 18 when this event occurred

(an-a93). For the avoidance of doubt, the masturbation did not take place.

(d) Kneeling naked before Peter Ball whilst his baptismal vows were read over him, on the basis that this was a basis for reaffirmation of Christian vows. (an-a96). This offer was first made when the person was 13.

(e) Suggesting that someone had their “flinging off the underpants” and being naked as a sign of abandonment and commitment to god (an-a114) when the young person was between 17 and 20 . This was dressed up as being part of the process from which Peter Ball would approve this person’s ordination.

(f) Asking for a massage in his groin area for poor circulation on his legs and then appearing half dressed and having a clear erection during the massage (an-a111) and ejaculating on another occasion (an-a7).

(g) Suggesting to a 16 year old boy, who he had confirmed and who had come to see him for counselling that he should stand naked before Peter Ball and look at himself in a mirror to show humility (an-a102) .

(h) Suggesting to an 18 year old boy who had been referred to him for counselling that he needed to experience pain, and asking him to drop his trousers and pants and turn his back (an-a103).

(i) Spanking with a slipper in order to reconnect with the lord (an-a7)

(j) Sleeping in the same bed as Peter Ball. Peter Ball had an erection and ejaculated (an-a8).

35. Full details of the offending to which Peter Ball pleaded are set out at CPS003474 - the opening remarks of the prosecution for sentence which will be placed on the website.

36. Peter Ball also pleaded guilty to two counts of indecent assault. Both of the individuals who were the subject of such assaults have provided us with evidence and we will hear from them this afternoon. In one case, this involved beatings. An indecent assault is defined in law as touching (without consent or where consent has been obtained by duress) which is sexual in nature or intention.

37. Other allegations made were not pursued by the prosecution for reasons which the Inquiry will hear. In particular, Peter Ball did not

plead guilty to any indecent assaults of those under 18, and denied any acts of masturbation, genital touching or allegations of anal penetration. We will be asking the CPS and police why these complaints were not pursued to trial.

38. There were also 4 allegations which were investigated by the police after Peter Ball's imprisonment, which came to light as a result of the publicity surrounding his sentencing. We have also received 2 further allegations which post date this police investigation.

39. Of the 32 allegations of which the Inquiry is aware, 13 of the allegations relate to those who were, or could have been under 18 at the time of the offending. At least two are alleged to have taken place within a school setting. Peter Ball pleaded guilty to the misconduct in public office charge to 4 individuals who may have been under 18 at the time of the offending. In some cases, it would appear that a process of grooming took place before the sexual offending, with persistent reinforcement of the need to pay penitence through some form of naked activity, or to obtain greater spiritual awareness.

40. Those critical of the Church and other state law enforcement agencies have continued to ask the question – why did it take until 1992 for this

to be partly revealed? And why did it take until 2015 for there to be criminal punishment of all but one offence?

Neil Todd

41. To understand what happened in 1992, it is necessary to have some information about Peter Ball's offending against Neil Todd. Neil Todd was seventeen when he arrived at Peter Ball's home. People who knew him suggest that he was a quiet, intensely religious boy who wanted to pursue a religious vocation as a monk. Unlike many others on the scheme, he did not come from a religious family and his desire to become a monk was a source of some concern. Whilst visiting Peter Ball, he was allegedly asked by him to undertake what Peter Ball called the "penitential psalms" - something which is not a specific religious rite or office within the Anglican church. He told the police that this would involve Peter Ball taking Neil Todd to the chapel at midnight, and they would both say the psalms naked so that they could feel the cold. Peter Ball would stare at him whilst this lasted. He then alleges that took a cold shower, watched by Peter Ball. This took place on more than one occasion. Neil Todd tried to wear his underpants during this encounter, but was told not to be silly and Peter Ball allegedly removed his underwear. For the avoidance of doubt, this behaviour did not result in Peter Ball's caution in 1992.

42. After Peter Ball had become the Bishop of Gloucester, Neil Todd went to stay with him in the Bishop's House. In September 1992, Neil Todd alleges that Peter Ball suggested that he should be beaten whilst naked with a stick or whip, so that his body could "bear the marks". This was meant to be a step towards becoming a monk.

43. Neil Todd told the police that he was very unhappy and scared about this arrangement, and told Mr and Mrs. Moss (household staff of the bishop), with whom he had become friendly, what had been proposed. They then took him away on holiday, which frustrated this plan. Upon the night of his return from holiday, it is alleged that Peter Ball came to Neil Todd's room and stripped naked. Neil Todd also took off his clothes. They embraced and Peter Ball caressed and kissed parts of Neil Todd's body. Neil Todd had an erect penis and Peter Ball took hold of it for a short time. Peter Ball asked Neil Todd if he was happy. He replied yes, although he did not want to do this, and Peter Ball seemed to acknowledge this. At the end of the incident, Peter Ball kissed him on the lips. It should be identified that Peter Ball in interview denied that any genital contact took place, and that the cuddling was not sexual in nature.

44. In October 1992, a further incident took place in Peter Ball's study when both men were naked. They caressed and embraced: both had erections and when Mr. Todd's elbow made contact with Peter Ball's penis, Peter Ball ejaculated. Peter Ball accepted in interview that he may have ejaculated, but denied genital contact.

45. Neil Todd's unhappiness and emotional upset grew after these encounters. He became so unhappy that he tried to take his life. Other individuals who have given evidence to the Inquiry tell us that Neil Todd told number of people involved with the church about Peter Ball's behaviour - however, they suggested that he should simply forgive Peter Ball, rather than to report it to the police - this included the Bishop of Southwark and the Bishop of Chichester. A notable exception to this were Mr and Mrs. Moss, who had gone to see Bishop John Yates, who had been previous Diocesan Bishop of Gloucester and was at that time the Bishop at Lambeth - i.e. the Chief of Staff, in effect, to the Archbishop of Canterbury and told him what had happened. Bishop Yates did not tell the police at this time and as far as the Inquiry can see, took no steps to start any kind of formal investigation into Peter Ball then, but not long thereafter, Neil Todd tried to kill himself again and his parents became involved. The first thing they did was to report it to the police.

46. Gloucestershire police then conducted an investigation. We will hear evidence from one of the investigating officers at the time, former DI Wayne Murdock and we have a witness statement from the then Chief Constable of Gloucestershire Police, Albert Pacey.

47. I Gloucestershire police , became aware of another two young men who made similar allegations against Peter Ball. These included allegations that:

- (a) Peter Ball anointed the genitals of a young man, massaging Peter Ball and that he would have an erection, during naked prayer and nude embraces and caresses.
- (b) That naked cold showers were seen as a religious obligation, and that Peter Ball watched during those showers.
- (c) That those who were part of the scheme would pray naked .
- (d) That he beat individuals with a clothes brush or other implements , sometimes until they bled and suggested beating as a way to prevent masturbation.

48. Despite these allegations being known about, and, in fact, one of the individuals against whom Peter Ball eventually pleaded guilty in 2015

having been interviewed at that time, he was only cautioned for one offence of gross indecency against Neil Todd. The Inquiry asks why this is the case?

The police investigation in 1992/3

49. We will hear evidence this week from DI Wayne Murdock who led the investigation in Peter Ball in 1992/1993. We will be asking him, in particular, about the following issues:

- (1) His meeting with Reverend Tyler in January 1993 in a hotel along with Peter Ball's solicitors. We will be asking questions as to the motive of the police in taking this unusual course of action.
- (2) Why a caution was an option when Peter Ball had not admitted the offence when interviewed, which is a precondition of accepting a caution.
- (3) Reverend Tyler, within his report made at the time (RTY00001-174) says that DI Murdock identified that everything would be much "easier operation" as far as he was concerned if Peter Ball would admit a caution, and from Revd Tyler's perspective "...is endeavouring to help

as much as he can to avoid any unpleasantness in this investigation.....”

(4) Revd Tyler also says within this report that DI Murdock was persuaded not to inform Sussex CID about allegations made against Rev'd Vickery House (allegations which ultimately in 2015 lead to Revd House's convictions for sexual offending about which we heard during the course of the Chichester investigation) and that the Bishop of Chichester would deal with this. There was also discussion within Lambeth Palace about this as someone wrote (as we shall see below) to state that Vickery House had sexually offended, but again, no investigation appears to have been pursued by the Church or the police at this time.

(5) Why the offending behaviour against others except Neil Todd was not pursued and the reasons for that? The police in the information they provided to the CPS in 1993 stated that they would wish Peter Ball to be charged not just with offences against Neil Todd but as against two other individuals about whom you will hear from this afternoon. Others who provided evidence at the time (and in respect of whom Peter Ball eventually pleaded guilty) were to be treated only as witnesses. They also identified that another option was that the Neil Todd allegations alone could be dealt with by way of a caution.

The Tyler investigation - 1992/1993

50. Eric Kemp, who was Peter Ball's Diocesan Bishop in Chichester, and about whom we heard a significant amount during the Chichester hearing, wanted to assist Peter Ball to defend himself. He therefore recruited a vicar, who had also been a policeman, to act as a private investigator and to seek to assist the criminal defence team. Whilst Rev Tyler's instructions came from Peter Ball's legal team, again, it appears that his services were in effect procured by the Church, and that his report, as ultimately written, was in fact kept in an obscure filing cabinet in Chichester until 2011. His report (or at least a full version of it) was not put in the files at Lambeth Palace. Whilst some reports of it and its conclusions seem to have been reported to individuals working in Lambeth, there is no evidence to suggest that the report was called for, requested or sent to Lambeth Palace for examination. The Inquiry will have to consider if that was surprising given its contents.

51. The Reverend Tyler is too unwell to give evidence or to attend this hearing. Whilst his report set out to completely exonerate Peter Ball, he ultimately reached the opposite conclusion. From his investigations which he undertook with various individuals around the country, both

those who knew Neil Todd and those who knew Peter otherwise, those individuals told him that:

- (a) Whilst schemers, Bishop Peter had got them drunk, and ended up naked in bed with him (RTY000001_181).
- (b) There were allegations of mutual masturbation made by a number of other individuals.

52. Reverend Tyler was in touch with Both Eric Kemp, Bishop of Chichester and Bishop John Yates at this time, communicating with them in February 1993 and updating them about the investigation. Revd Tyler was asked by Bishop Eric Kemp to go and speak to the Archbishop of Canterbury about the Inquiry. What seems clear therefore is that whilst Reverend Tyler was meant to be acting as a private investigator for the criminal defence team, his role appears to have been much more unclear. He passed on information from the report to various senior members of the Church and it does appear that his role was as the Church's man on the inside, rather than a person solely dedicated to Peter Ball. For example, he was asked by Bishop Yates to go to Gloucester to secure Peter Ball's resignation (RTY000001_84). Furthermore, when Rev Tyler wanted to make further enquiries by

speaking to staff within the Diocese of Gloucester and Peter Ball himself, this was refused (3.5.6 of Gibb - INQ000560_18).

53. Reverend Tyler's report, which was sent to Bishop Kemp, identified within its conclusions (RTY000001_185) that "... the police had powerful evidence of years of masturbation and abuse of young men by Bishop Peter.....". He wrote to DI Murdock after Peter Ball had accepted a caution and the tone of his letter sets out his views at the time about the church :

"I really appreciate your sympathetic understanding in preventing a scandal with a trial which would have affected the Royal family and establishments in this crucial time of turmoil within the church of england.

We both know if I had been wearing a helmet rather than a biretta i would have "gone of the sheet" (which the Inquiry takes to mean to have been charged with offences) and he would have gone down. It is very sad that, after being interviewed by me and admitting the offence, also promising to leave the country to avoid the press and further scandal, he welshed on his promises to me, returned to Sussex and after pressure from us, has returned to Cornwall. Furthermore, he has not shown any contrition and is again denying the offences. I have been in touch with Lambeth and the matter is being dealt with (RTY000001-208). "

54. Brian Tyler also unearthed, during the course of his inquiry, details of 2 potential other offenders and informed Eric Kemp about it. As far as we can see, no steps were taken by Eric Kemp or Sussex Police to investigate these allegations at the time.

CPS involvement - 1993

54. The Inquiry also has a number of questions about the actions of the Crown Prosecution Service ("CPS") in 1993.

55. The police handed over their files to the CPS in February 1993. Peter Ball's solicitors wrote to the CPS at the time making representations as to how the matter should be disposed of. This letter was to persuade the CPS to advise the police to issue a caution, and stressed that Peter Ball's behaviour was not sexually motivated. They wrote a further letter in February 1993 saying that Peter Ball would resign if he was cautioned (CPS000807, page 7). We have some evidence and information as to the thought processes of the CPS at that time, although no witnesses from the central casework team at the CPS were available to assist the Inquiry.

56. Gloucestershire CPS handed over the file to the CPS Headquarters. An explanation has been given that this was because the case needed to be

handled at a distance because it involved a local Bishop. We will hear evidence from Gregor McGill, Director of Legal Services at the CPS now about what they can divine happened in 1993. The DPP who authorised the caution, Dame Barbara Mills has passed away.

57. It would appear that the CPS at that time considered that it was unlikely that the alleged offences, other than those against Neil Todd could be successfully prosecuted, mainly, so it appears because of concerns of a time bar in respect of allegations of gross indecency - these allegations had to be brought within 12 months and because it was considered that the victims may have consented to the indecent assaults. Furthermore, it was felt that Neil Todd's fragile mental health, and the fragility of some of the other complainants pointed against a trial if it could be avoided. A CPS in a memo of advice states:

"The main objective is to prevent any further abuse and breach of trust by Ball and to make him resign his position. Acceptance of a caution would be the end of Ball's career. His solicitor has already indicated that Ball would accept a caution and resign." (CPS001982-025).

58. The CPS also considered that it was not possible to bring allegations by more than one complainant. The decision made by the DPP was to

caution only against Neil Todd on one charge. The CPS will be asked to explain why this is the case and how a caution came to be administered without an unequivocal acceptance of guilt.

59. There are several other questions which arise from the decision to administer the caution:

(a) Peter Ball alleges that the caution had been “negotiated” in return for his resignation and that it was therefore conditional upon this - does such a thing exist and is Peter Ball correct to make this assertion?

(b) In subsequent correspondence to Lambeth Palace, Peter Ball consistently stated that he had been pressured into agreeing the caution by his solicitors to avoid further scandal - is this the case?

(c) Was it fair to give Peter Ball a caution in circumstances where he had not fully admitted his guilt?

(d) Should he have been charged with the other offences?

60. The original CPS investigation has been criticized by those working for the CPS in 2013 and 2014 as incorrect. In particular, the Principal Legal Adviser for the CPS, identifies the following concerns about the decisions made at that time:

- (1) That Peter Ball should have been charged with two counts of gross indecency, rather than just one in 1992. This matter was not re-investigated in 2012 given Neil Todd's death.
- (2) That he was not charged with indecent assault against two individuals who had complained at that time.
- (3) That he was offered a caution when he had not admitted the offence
- (4) That it was really not in the public interest to offer a caution given the particular circumstances of this case.

61. A further issue to be considered is whether or not the police, or others, should have communicated the nature of the allegations against Peter Ball more widely. Archbishop Carey in his evidence has indicated that the police did not disclose details of his offending to him or make the church understand precisely what the offences were.

62. Other witnesses, including those referred to below who wrote letters of support, identified that they did not understand what a caution meant, and considered, on the whole that it demonstrated that either the offending was not serious, or that it was not criminal offending in a "real" sense.

63. For the avoidance of doubt, a caution, as described by Mr. McGill from the CPS in his witness statement, is an alternative means of disposing of a criminal offence. It does not necessarily mean that someone has committed a lesser, or less serious offence than someone who has been prosecuted, but the most serious offences should not be suitable for a caution.

The Church of England in 1992/1993

64. Peter Ball was arrested in the middle of some internally turbulent times for the Church of England. Archbishop Carey had just been elected as Archbishop of Canterbury: the vote on the ordination of women had been successful but there remained significant opposition within the Church. There was the risk of schism within the Church, and the need to invent some kind of system to minister to those who refused to accept women as priests. The relationship between the Prince and the Princess of Wales had broken down and Archbishop Carey was involved in what he calls within his witness evidence “a constitutional crisis”

Lambeth Palace - 1992/1993

65. Whilst letters had been sent in to the Archbishop in praise of Peter Ball, he received in December 1992 and January 1993 6 letters in total from individuals (some of whom had in fact also approached the police) or their families: at least 3 of them identified other occasions upon which Peter Ball had manipulated his position and had acted in similar ways to that disclosed by Neil Todd to the police and one disclosed an allegation about Vickery House. The report of Dame Moira Gibb sets out the nature of this correspondence in some detail (at paragraphs 3.4.7 - 3.4.13 of her report INQ000560-14/16) and we will publish all these letters, suitably redacted, upon the website. Whilst it is true that they did not all arrive at the same time and also were slightly different, what they showed in total was that there were a number of occasions when Peter Ball had allegedly:

- (a) Suggested that he and another man should pray naked together, when Bishop Ball was in a position of authority over that person (3.4.7)
- (b) Suggested to boys who had come to stay with him to share his bedroom, after they had been sent to his home whilst being suspended from school.
- (c) Suggested that there was local knowledge or rumours circulating in Sussex that Peter Ball should not have boys staying with him.

(d) Suggested that there was mutual caressing between Peter Ball and someone on the scheme (who had subsequently become a priest) and that at least one other person could corroborate this activity.

66. Over Christmas 1992, Bishop Yates provided a written briefing to the Archbishop of Canterbury (CPS002513 at 48 and 49) at which the letters were specifically mentioned, and at which it was advised that:

- (a) The Archbishop's registrar should provide advice on these letters as they involved questionable or improper conduct.
- (b) The matters should be investigated by the Church to assess the truth or otherwise of their accounts, but just as importantly whether or not the letter would go to the press.
- (c) Ball may have to resign but it would be wise to await further developments in respect of both Neil Todd and allegations of others.
- (d) Information about Neil Todd's situation should be sought as there was a need to show care for him.
- (e) Discussions should be held with the diocesan staff if Ball did not resign.

The police also visited John Yates, Bishop at Lambeth on 22 December 2002 : John Yates gave them one of the letters - the one which was supportive of Peter Ball, but not any others. The tone and tenor of

correspondence internally within Lambeth Palace shows significant worry about further media exposure (see cps002513 - 048).

67. On the same day as this briefing was received, Archbishop Carey sent a memorandum to all parishes in the Diocese of Gloucester asking everyone to pray for Peter Ball at ace000255 - The message stated that they hoped and prayed that his name would be cleared and asked for prayers for Peter Ball. No mention was made of Neil Todd or others.

68. The following has been stated by those who are still alive on the basis of the contemporaneous document chain:

(a) Dr. Robson, the senior legal advisor for the Province of Canterbury, identified that the matters raised by the letters should be put to Peter Ball: but he did not advise that they should go to the police with them, or pass them over. One letter was passed to the police, but this did not make any allegations against Peter Ball. The letters which gave further information about offending were not passed to the police, nor passed to Rev Tyler who was then carrying out an investigation which seems as we have described, to have been partly on behalf of Peter Ball but partly on behalf of the Church (and which was paid for by Bishop Kemp at

least in part), nor was there any discussion of them with the police and prosecutorial services at any time.

- (b) Whilst mention was made that Peter Ball's activities in respect of Neil Todd could amount to offence under the Ecclesiastical Jurisdiction Measure 1963 by Dr. Robson in his advice in December 1992, no steps were ever taken to take disciplinary action.
- (c) An investigation took place which expressly involved considering the significance of the letters by Ronald Gordon, who had been Bishop Yates' predecessor as Bishop at Lambeth. He interviewed Bishop Ball in late January 1993, but the focus of this meeting seemed to be largely upon how to dispose of the matters which had arisen in the police investigation rather than about the other matters which were raised. Peter Ball dismissed the concerns set out in the other letters and nothing further seems to have been done about them. Bishop Gordon advised Bishop Yates in February 1993 that if Peter Ball did not resume ministry, there was no need for further action in respect of the letters.
- (d) Despite at the at the time having been briefed around the number of allegations made concerning Peter Ball, and the fact that there may well be a case to answer re: Peter Ball, Lord Carey wrote to the Chief Constable of Gloucestershire suggesting that if Ball were guilty, his criminality would not be "representative of his style".

(e) Individuals within Lambeth palace were very conscious of the negative publicity which this case had already attracted and plainly wanted to attract as little further publicity as possible. A caution followed by a resignation would obviously attract much less publicity than a trial.

The caution & resignation

69. On 8 March 1993 Peter Ball received a caution for one count of gross indecency against Neil Todd. He resigned immediately.

70. Peter Ball alleged shortly after his resignation that he either did not wish to resign, or his caution was conditional on his resignation. It is the case that:

- (a) Senior members in the church considered that Peter Ball should resign from very early on after his arrest whether or not he was charged with any offending.
- (b) His solicitor recommended that he resigned during a conference with leading counsel and Rev Tyler as he had admitted the offences.
- (c) The CPS certainly mention the resignation within the relevant paperwork as a factor to consider when deciding whether or not to accept a caution.

(d) The police mention his resignation when passing the matter to the CPS

(e) Peter Ball had signed a deed of resignation which was to be held until the CPS announcement when he would resign.

The aftermath of the resignation

71. Dame Moira within her report sets out in some detail the period following Ball's resignation and the Church's response. There is no time in this opening to go through the detail of what happened. The highlights however, which will need to be dealt with within this hearing are:

(1) Why the church took relatively few steps to seek to assist either Neil Todd or other individuals who had brought forward complaints and concerns. Whilst there was a degree of pastoral support for Peter Ball, and whilst some offers were made initially in respect of Neil Todd, there were no steps taken to assist any other complainant or to ask if they required such pastoral assistance and care save for the assistance provided by Ros Hunt and others to those who had gone to her with concerns . The Church did not ask the police about the other complainants or seek their

names (with their consent) to provide them with assistance. Mr. Todd himself had written to the church to ask about this, as had other individuals including the head of Victim support (at ace000527)

- (2) Frank Serjeant gave the names of those who had complained about Peter Ball in 1992 to him in a meeting in 1994 without telling them. Why did this happen? Why did they not give them to the police, but did give them to Peter Ball?
- (3) Why the Church took no positive disciplinary action, and why Peter Ball was not put on the Lambeth List. This was discussed during the Chichester hearing, but for those not familiar with it, this was an internal list, confidential to the Archbishop of Canterbury and Archbishop of York of those who had “black marks” against their name. From the information that the Inquiry obtained in Chichester, it does not appear that there was any reason, practice or policy as to who got on the list, which was then circulated to Bishops on a confidential, periodic basis to identify difficulties, and it would appear that the names ranged from those who were prohibited from office, to those who had merely deemed less than desirable for a variety of reasons. Whilst

the disciplinary measures in place in 1992 were cumbersome and difficult, and this would have broken new ground, we will ask for an explanation as to why it was not used?

- (4) Why the Church did not pursue the investigation into the allegations set out within the letters, or those which lead to the criminal investigation after the resignation had been accepted?

Return to ministry

72. Almost as soon as the ink was dry upon the letter of resignation, Peter Ball and his brother Michael began corresponding to ask when Peter Ball could be returned to ministry. The first discussion about this in the extensive correspondence written from this point forward from the Ball brothers came in July 1993 (ace000657), only 4 months after his caution and resignation. Staff at Lambeth Palace at the time describe in the contemporaneous notes that the tone of this correspondence was “manipulative” and that by permitting any form of limited return to ministry would simply lead to further and further demands. That may be seen to be prescient. He wrote to the Chancellor of Gloucestershire diocese in March and June 1993, and wanted her to write to the CPS about wishing to overturn the caution. She refused to do so.

73. By June 1994, Archbishop Carey had agreed to return Peter Ball to some form of ministry, but for various reasons, this was not put into effect until January 1995 when he was given PTO for the parish where he lived. The PTO was supposedly to be limited, but the question to be asked on the basis of this is:

(a) Whether or not PTO could ever be limited around in this way, given that there was no formal covenant of care or any other written restriction in place upon it?

(b) Whether or not this condition could ever be realistically enforced?

74. From this point forwards, Peter Ball sought to undertake more engagements and he was permitted to do so, on a piecemeal but incremental basis. It is also the case that whilst doing so, he agitated for his innocence or for the resignation to be rescinded. This plainly fell on receptive ears to some people, and the caution and its relative lack of transparency in terms of what it meant that Peter Ball had done or accepted plainly played into this.

75. The Panel may wish to note that in January 1996, Ball was permitted by Archbishop Carey to preach at a particular public school and that he could conduct confirmations at other specific schools later on in that

year. Peter Ball took this as an indication that he could undertake confirmations and preach in schools more generally, and it was subsequently discovered that he had preached in over 25 schools. Even in 1996, Peter Ball was the President of the Anglican Fellowship for Scouting and Guiding and he attend their AGM in 1996.

76. In early January 1997, Lord Carey made a statement at a regular meeting of all bishops so that they could at their discretion allow Peter Ball to exercise a full episcopal ministry – i.e. to undertake acts that only a bishop can undertake, the most significant one of which is confirmation in this context – the other would be consecration. Lambeth Palace were to be informed of any press interest. This was confirmed in writing in May 1997.

77. We will be asking at this hearing:

- (1) Why he was permitted to return to ministry in this fashion?
- (2) Why did no-one think to carry out some kind of risk assessment?
- (3) Whether or not senior clergy simply thought that Peter Ball's pleas of innocence should be believed?

78. His return to ministry did not please all in senior positions. We have a witness statement from Bishop Bentley, who was Bishop of Gloucester immediately following Peter Ball. He did not permit Peter Ball to carry out services in his diocese because of the “many clergy and lay Christians who would be very troubled and hurt” by this (ACE001203).

People of prominence

79. Intertwined with the concerns set out above is whether or not there was undue pressure put in place upon the Church, police and CPS from a number of prominent individuals who were friends with Peter Ball and who wrote in his support to these authorities.

80. The CPS and police received 24 letters asking them to carefully consider the steps they should take in respect of Peter Ball. Although these letters were being written by friends of Peter Ball, some were written on headed official notepaper, giving them the seal of officialdom.

Furthermore, because of the position of these individuals, the response by the police and prosecutors was more formal and may well have weighed more heavily with them.

81. For example, Lady Renton, who provides a witness statement for this investigation as her husband, Lord Renton is unable to identify that

she and her husband decided to write to the DPP on House of Commons headed notepaper about Peter Ball precisely so that it would get a more elevated and serious response. Lord Renton was then the Conservative Chief Whip in Parliament. The CPS had a policy (which may still be in operation) that correspondence from MPs is dealt with differently from that from the general public. It had to be responded to at a senior level and required internal investigation and briefing.

82. The Panel will want to consider if it is appropriate for MPs to be able to write in this way if their concern is about a friend, and not about parliamentary business.

83. We have asked these individuals why they wrote these letters. Largely, they say that it was out of friendship and disbelief that Peter Ball could have done any wrong; and further, Peter Ball's mental health suffered a significant decline after he was arrested and they were concerned for his wellbeing.

84. Whilst these individuals have all identified that they did not wish to actually alter the decision to be made by the police or the CPS, internal correspondence shows that these letters were noted by both these

institutions, and that there may have been a heightened sensitivity around the case as a result of this.

85. Even if they did not, in fact, make any difference to the outcome, the Inquiry will wish to examine if the perception of those in prominence influencing decision making was one which cast a shadow over the decisions made or was appropriate in all the circumstances.

86. Whilst this case study involves a churchman, parallels may legitimately be drawn to other circumstances in which individuals who are members of the Establishment (as Peter Ball identifies in his third witness statement that he is) are automatically believed and seen as beyond reproach even where serious allegations are levelled against them.

87. Of course, the reaction to someone who is seen as particularly holy and also devoted to a life of the spirit, rather than the flesh is more extreme than may be the case in other circumstances. Some do not like to think of those who seek to serve God in whatever form as being capable of such matters. However, the uncritical view expressed by many that he was simply not capable of such actions is maybe telling of our society's inability to come to terms with the reality of abuse of power.

88. Furthermore, it is impossible to say that these sorts of issues lie in the past. The local reaction to the conviction of the local Chichester parish priest, Rev Howarth in 2015 showed that the same can happen within the local community.

89. Alongside politicians and other prominent individuals, Peter Ball knew the Prince of Wales. Both Michael and Peter Ball were not shy about using the name of the Prince of Wales to seek to influence others. For example, Bishop Michael Ball wrote to Lord Carey in December 1992 saying that his brother was receiving support from two Cabinet Ministers and the Prince of Wales (in Gibb at 3.4.5 INQ000560-14) . Peter Ball during his very many letters to Lambeth Palace would often mention his friendship with the Prince of Wales.

90. It is certainly the case that within the records of the 1992 investigation, the material which went to the CPS and was circulated internally and within the internal records of Lambeth Palace, there is material by way of rumour or by way of noting that the Prince of Wales, or the Royal Family were interested in the matter. There was also internal correspondence subsequent to 1992 to identify that there were times when the Prince of Wales or his staff asked about the position of Peter

Ball. There has also been much press speculation about the role that the Prince of Wales may have played in such matters.

91. Given this, the Inquiry sought evidence from the Prince of Wales and he provided a letter which will be read on Friday morning which attests to its truth and which sets out the material that we have asked him about . We asked the Prince of Wales about the documentation the Inquiry has received which identifies occasions upon which the Prince or his staff had asked institutions about the Peter Ball investigation and we also asked whether or not the Prince sought to influence those bodies and/or to treat Peter Ball differently to others.

92. We have also seen letters held by the Church and deposited by Peter Ball between the Prince of Wales and Peter Ball. We have disclosed to core participants portions of the letters which we consider are relevant to our terms of reference and which the Inquiry deemed it was necessary and proportionate to disclose and those portions will be read out along with the statement.

93. What is clear from the correspondence is that Peter Ball sought to convince the Prince of Wales of his innocence and that he had been set

up by enemies within the Church, and that Neil Todd was in effect, a “gold digger” seeking publicity and money from the tabloid press.

94. What is also clear is that Peter Ball within his correspondence told the Prince of Wales that he had very little money and nowhere to live when his brother retired from being Bishop of Truro. Correspondence from the Prince of Wales suggests that he spoke to someone at the Duchy of Cornwall Estates who then sought out a house to buy on behalf of the Ball brothers, which they then rented from the Duchy in Somerset.

Internal reviews from 2000 onwards of the situation in respect of Peter Ball

95. From 2000 onwards there were periodic reviews of the Peter Ball file and correspondence.

96. The first in 2000 carried out by Richard Llewellyn, the Bishop at Lambeth alongside Andrew Nunn, who was correspondence secretary for the Archbishop and who will come and give evidence to us, it was concluded that Peter Ball had been treated leniently, and identified the following :

“From the file it seems clear that the Archbishop has all along believed Peter’s version of the events – read out paragraphs 5 – 7”

97. Lord Carey objected to the characterization of himself in the memo and sent a very detailed memorandum which identified that this memorandum failed to take into account (see ACE001252 – 1) the following:

- (1) The acute anguish, despair and pain of both bishops.
- (2) The difficulty of getting the truth of the matter and the difficulty in finding out what happened.
- (3) That he was not placed on the caution list because of his ill health and that he could not exercise a ministry for some time.

98. The Inquiry will want to examine the documents from 1992 – 2000 about Peter Ball’s ministry to see if that was the only reason, or if there were a number of reasons given over time.

99. Despite the conclusions reached within this internal review, there was no ostensible change to Peter Ball’s status. He agitated to become an assistant bishop in Bath and Wells which was refused, and sought to persuade the Church that his resignation was not valid, or that Lord

Carey should not have accepted his resignation, none of which the Church accepted. During the time between 2001 – 2009, the Church was aware on more than one occasion that Peter Ball was carrying out confirmations in schools or preaching in them, and no action was taken to stop him or contact the schools in question, albeit that both Lord Carey and Lord Williams wrote to Ball to ask him to desist to do so.

100. Following the Past Cases Review (which we heard about in Chichester) Dr. Rowland, whose witness evidence we have, wrote to the lead bishop on safeguarding at the time, Anthony Priddis, about whom we also have a statement, identifying his concern about Peter Ball having Permission to Officiate and expressing concerns around the events of 1992/1993. Concerns were also expressed by those within Lambeth Palace. Professor Anthony Mellows was therefore asked to conduct a review of the files held at Lambeth Palace. He concluded that it was regrettable that the concerns expressed by correspondents in 1992 were not passed to the police or subject to any forensic adjudication by the church and that they presented a pattern and if investigated and substantiated would have justified the institution of either criminal or ecclesiastical proceedings , and criticized the failure to take ecclesiastical proceedings in 1992/1993. He also does identify however in his report (ace001425) that no practical purpose would be served by bringing

ecclesiastical proceedings at this stage. Professor Mellows has passed away and so we were unable to obtain evidence from him, but it should be noted that he was Dean of the Faculty of Laws for the University of London.

101. The Mellows report recommended that Peter Ball should be subject to a forensic risk assessment to determine the extent to which he should be permitted to exercise public ministry, and that those who wrote letters in 1992 should be contacted.

Risk assessment

102. The Church, after a period of time, sought to implement a risk assessment carried out by a forensic clinical psychologist. Peter Ball bitterly opposed this request, threatening to involve the Prince of Wales in the request, and it should be identified that Peter Ball did write to the Prince of Wales with a copy of the request for a risk assessment. The inquiry has no evidence that the Prince of Wales responded to this letter. We have a witness statement from Fiona Gardner, the Diocesan Safeguarding Advisor charged with arranging the risk assessment which sets out a timeline of events within an annex (inq000692-2) setting out the difficulties she faced, including approaches by senior clergy and someone from the House of Lords. She also identified that

Lambeth palace and the church were not forthcoming with her about Peter Ball and she was not entirely aware of the nature of his offending (despite being the DSA since 2002) until 2008, when she found out by undertaking a google search.

103. Peter Ball's correspondence to Lambeth Palace from 1992 – 2010 has been identified by others to show an extreme lack of insight into the hurt he had perpetrated within the church and sought to place himself in the role of victim of a conspiracy. Those in spiritual positions may also hold that their abusive actions are part of a spiritual practice, and so that he does not consider that abuse is therefore criminal, and rumours to the contrary explained away as malicious rumour – and the behaviour is seen by the hierarchy as foolishness and so a minimal risk.

104. The risk assessment eventually carried out identified that Peter Ball could be considered, during his time as the suffragan bishop of Lewes (ace021266: ace001424 to be a sexual predator, who abused his power and used his charisma to create situations to enable offending. He was not found to have paedophilic tendencies, but his sexual interest was hebephilic – i.e. an interest in post pubertal adolescents and young adults, to which the scheme gave easy access. The assessment found:

“...he displays a concerning lack of awareness of the impact of his behaviour on victims

He presents as a very personable and generally co-operative person. However, there are aspects of behaviour which are highly manipulative and controlling ... he seeks to thwart appropriate psychological inventory....one has to wonder what he is fearful of disclosing.”

105. As a result of the risk assessment, a formal safeguarding children agreement was put in place for Peter Ball, limiting his permission to officiate to one parish, and the matter was also referred to the local LADO (local authority designated officer) and to the Independent Safeguarding Authority, the forerunner of the DBS.

Northamptonshire police 2008/2009

106. Running almost in parallel to the Professor Mellows report was a complaint made to Northamptonshire Police by Philip Johnson, who we heard from in the Chichester case study. We have written statements both from Rachel Swann, who is Chief Constable of Northamptonshire Police and DC Anthony Charman, who led the investigation into Rev Cotton and Pritchard in 2008. Whilst investigating the offending behaviour of these two individuals, he found on the files at Chichester

concerns raised by Philip Johnson because Peter Ball had been in charge of the Diocese when Rev Cotton and Pritchard were active in their sexual offending against children. He found out from the Chichester Diocese about the other allegations made about Peter Ball in 1992 but not investigated and wanted to review them to make sure that there were no allegations of abuse in respect of Cotton and Pritchard. He made extensive efforts to get the 7 letters we spoke about, but it took him 5 months (paragraph 17 of his w/s- nnp000027-4). He contacted the CPS to ask if there should be an investigation into Peter Ball separately and was told that the letters did not disclose evidence of criminality. He also liaised with Kate Wood, who by then was assisting Lambeth Palace in managing safeguarding matters.

Sussex Police and the final years

107. Despite the findings of the risk assessment, Peter Ball and his brother still pressed for rehabilitation into clerical ministry, identifying that as the CRB check had not thrown up any offences, then his offending was spent and he should be rehabilitated like anyone else in effect (see para 3.10.16 of Dame Moira).

108. Continuing coverage of the Peter Ball affair including allegations of conspiracy and cover up, lead to Elizabeth Hall, National Safeguarding

Advisor who we heard from the in the Chichester hearing recommending that there be a further review of the Peter Ball information which should involve trying to find all files and documents (no matter where they were located). This was reviewed by Kate Wood, from whom we shall hear. The files from Gloucester had been transferred, allegedly, to Truro and then destroyed. We had Elizabeth Hall's evidence of the shock within Lambeth Palace at discovery of the Brian Tyler report in the Chichester correspondence file, and the Church then passed all information to Sussex Police on the advice of the Director of the Child Exploitation Centre.

109. From July 2012, Sussex Police re-investigated the case under the name Operation Dunhill. In July 2012, the police contact Neil Todd. In August 2012, Colin Campbell of the BBC contacted him. He took his own life on 12 July 2012. With the further investigation, a number of individuals came forward who had not previously made themselves known to police in 1992/1993. Vickery House, about whom we heard in the Chichester investigation and who was Peter Ball's "right hand man" in running the scheme was arrested alongside him and eventually sentenced to six and a half years for offences against men committed in the 1970s and 1980s. Letters were then passed on to Eric Kemp who

was informed about this, but again there was no police referral or internal church investigation in that time.

110. We have the detailed records from Sussex Police and the CPS as to the decisions they took in respect of investigations and the ultimate charges brought against Peter Ball. In particular, concern has been expressed by Mr. Johnson and another individual as to why the charges relating to their cases, which were specifically the allegations of abuse against children, were not pursued to a trial. The police did discuss this with both men at the time, and a decision was taken by the CPS not to leave those matters to lie on the file. We will ask the police and the CPS why this was the case.

111. Following the convictions, four further individuals came forward and the police launched another investigation. In August 2016, it was decided, after consulting those individuals, that no further charges should be brought, because of Peter Ball's age, frailty and that he was still under public scrutiny at least by this review.

112. It was only on 11 January 2016 (some 24 years after his offending came to light) and 3 months after his imprisonment, that he was prohibited for life with effect from 23 December 2015. This is the most

serious penalty which the church can impose under the Clergy Discipline Measure and prevents Peter Ball from being able to carry out any clerical role at all.

113. Whilst in prison, Peter Ball wrote to one of the men who had made a statement about the harm that Peter Ball had done him, which caused him distress. He received a disciplinary rebuke from the prison service.

114. Dame Moira Gibb produced her report in 2017. She is coming to give evidence and we will be asking her about what she found in her review, her recommendations and whether or not she considers that the Church has taken steps to fulfil these recommendations and if these recommendations could or should have been put in place a long time ago.

115. The Church has recently provided us with a witness statement updating the Inquiry as to the steps taken in the light of the report of Dame Moira Gibb (w/s of Graham Tilby No 4). The church has taken steps to revise the guidance on PTO: to draft a new canon on the workings of religious communities: to have a central register of all clergy who have authority to minister in a diocese and also to set up a new hub along with the Catholic church for victims of sexual abuse.

9. There has been a wealth of information which has been gathered - over 50,000 pages of documentation has been received in this case study : 83 witness statements will be used in one way or another through the hearing, and more were provided,

PROCEDURE

10. Each of the counsel for the core participants will now have an opportunity to make a short statement lasting no longer than 10 minutes . The evidence will begin this afternoon and will be structured in as logical way as is possible given the time constraints and witness availability.
11. This afternoon, we will hear evidence from three individuals who were abused by Peter Ball. Tomorrow we will hear from Lord Carey, who was Archbishop of Canterbury during the time in question: we will then hear from ANdrew Purkiss, who was the Archbishop's Director of Communications and was involved in matters concerning Peter Ball.
12. On Wednesday, we will hear from DI Wayne Murdock, the Investigating officer in the Peter Ball case in 1992/1993. We will then read the witness statement of Lady Renton. In the afternoon, we will hear from Reverend Ros Hunt, who counselled

two individuals who made allegations against Peter Ball in 1992/1993. We will then hear from Carwyn Hughes, who was the Investigating Officer during Operation Dunhill.

13. On Thursday we will hear from Gregor McGill of the Crown Prosecution Services, followed by Frank Sargeant, who was Bishop at Lambeth from 1994 onwards, and also Mr. Andrew Nunn, correspondence secretary to the Archbishop of Canterbury. We will also read the evidence of Ian Beer, who was a distinguished headmaster and friend of Peter Ball.
14. On Friday morning we will hear from Kate Wood, safeguarding officer at Lambeth Palace from 2008 - 2015 and from Dame Moira Gibb. We will also read the witness statement from the Prince of Wales.

WITNESSES - A REMINDER

15. For everyone's understanding, may I explain how live witnesses who have not waived anonymity will appear in person. Live witnesses who are anonymous will have special measures in place to protect their identities. Before anonymous witnesses testify, the hearing room will need to be cleared of press and members of the public, who will be able to listen to audio of the witness in a separate room. I shall invite the Chair and the Panel to rise while these arrangements are being made, and, in the case of those who are to give their evidence by video-link, while the video-link is being set up for those witnesses.

16. In the case of witnesses whose evidence is to be read, they will not be called in the hearing room but their account/s will be read into the record. Their witness statements will be available at some point on the website.

17. The witness statements neither given live nor read will be placed upon the website at some point today for the public to see.

18. [Documents referred to in the hearing are adduced and form part of the inquiry record. In addition, if the panel when preparing their report consider they wish to rely on any additional documents that were disclosed to the CP's, these will be adduced by being published on the website.

116. We will now hear from Core Participants' counsel in the following order:

(a) Switalskis

(b) Slater and Gordon

(c) Archbishop's Council

(d) Lord Carey

(e) Gloucestershire Police

(f) Sussex Police

(g) Northants Police

(h) CPS