

Opening for case study into Archdiocese of Birmingham

(URNS in bold are to be shown on screen)

Opening paragraphs

1. From the 1950s onwards, the Archdiocese of Birmingham has faced scores of allegations, at least 78 according to records, of child sexual abuse by priests and others associated with the Archdiocese of Birmingham. At least 13 priests have been convicted before the Criminal Courts or cautioned by police. Thousands of pounds has been paid out in compensation with significantly more, in the millions, being paid out in legal fees. It is against this background that the Archdiocese of Birmingham was selected as a case study within the Inquiry's Investigation into the extent of any institutional failures to protect children from sexual abuse within the Roman Catholic Church in England and Wales.
2. The Investigation into the Archdiocese of Birmingham is one of two case studies being considered by the Inquiry as part of the Inquiry's examination into the extent of any institutional failures to protect children from child sexual abuse within the Roman Catholic Church in England and Wales. The Inquiry has already held a public hearing and published its report into the institutional response to allegations of child sexual abuse within Ampleforth and Downside Abbeys and their respective schools as part of its case study into the English Benedictine Congregation and there is to be a further public

hearing in February next year respect of Ealing Abbey and St Benedict's School, in connection with that case study.

3. Following the conclusion of that hearing, the Inquiry has announced that it will hold a final public hearing in October next year to consider some of the wider topics and themes that have emerged throughout the case studies. It follows therefore that the focus of this week's hearing is on the Archdiocese of Birmingham and so whilst some witnesses may have a wider role, eg Cardinal Nichols, the evidence will be primarily directed at matters relating to this Archdiocese.

Introductions

4. I appear today on behalf of the Chair and Panel along with junior counsel, Chris Saad. May I introduce counsel on behalf of the core participants:
 - Complainants A55, A56, A57, A58 and A80 represented by Ian O'Donnell and Mr Richard Scorer. Mr Scorer will make the opening address on behalf of his clients;
 - Complainants C14, C15 and C16 represented by Mr Chapman and Mr Greenwood will make some opening remarks later today;
 - Complainant D2 represented by Caoilfhionn Gallagher QC and Ms Angela Patrick;

- Complainants F48, F49, F51 and F53 represented by Chris Jacobs and David Enright. Mr Enright will make the opening speech;
- Archdiocese of Birmingham represented by Richard Horwell QC;
- The Catholic Council for IICSA represented by Kate Gallafent QC;
- Jane Jones represented by Peter Mant;
- Witnesses Eileen Shearer and Adrian Child represented by Tanya Griffiths QC and Julian King
- West Midlands Police represented by Allison Hewitt;
- Department for Education who are not represented.

5. The issue of how the Roman Catholic Church deals with alleged and proven child sexual abuse could hardly be more topical. In August this year, His Holiness Pope Francis wrote an open letter to Catholics worldwide (INQ002670) in which he publically acknowledged the pain and suffering caused to children who had been abused by clerics and consecrated persons. The letter referenced the fact that in the days prior to the publication of his letter, a Grand Jury Report in Pennsylvania concluded that more than 300 priests in 6 Pennsylvanian dioceses had abused more than 1000 child victims. His Holiness said this:

“Looking back to the past, no effort to beg pardon and to seek to repair the harm done will ever be sufficient. Looking ahead to the future, no effort must be spared to create a culture able to prevent such situations from happening, but also to prevent the possibility of their being covered up and perpetuated.”

6. The hearings this week will focus upon the institutional response by the Archdiocese of Birmingham to allegations of child sexual abuse and in particular look at the response in the cases of Samuel Penney, James Robinson, Fr. Tolkien and RC-F167.

7. The Inquiry will also hear evidence on other issues, including evidence relating to:

- the implementation of the recommendations of both the Nolan report and the Cumberlege report.
- Past and current safeguarding arrangements within the Archdiocese;
- the circumstances in which the Archdiocese had contact with COPCA (the Catholic Office for the Protection of Children)/CSAS (the Catholic Safeguarding Advisory Service);
- the 2010 audit of the Archdiocese;
- Recent reviews commissioned by the Archdiocese and finalised just earlier this month providing an up to date assessment of the strengths and weaknesses of the safeguarding team.

8. The purpose of this opening statement is to introduce some of the themes, topics and issues that the investigation will ultimately ask the Inquiry to consider. In doing so, I hope to familiarise you with some of the terminology

used within the Roman Catholic Church that is most likely to be encountered when considering the evidence.

9. You will be hearing evidence from a number of witnesses including from both the former and the current Archbishop of Birmingham, the safeguarding co-ordinator (Jane Jones), the former directors of COPCA/CSAS as well as testimony from victims and survivors. Some evidence will be called live – where a live witness is called, their evidence will be focussed on the most salient aspects of their testimony. It will not be possible to ask each and every witness about all of the documentary evidence that either they produce or that the investigation has gathered. Some statements and exhibits will be read or summarised into the record of these proceedings. The live feed to those watching the internet investigation is subject to a 3 minute time delay.

10. All core participants have been sent the proposed witness timetable. All core participants have had an opportunity to make requests under rule 10 of the Inquiry Rules 2006 to question witnesses. In line with the presumption in the Rules, it is expected that the questioning will be conducted by Inquiry counsel. Documents will be referred to by their unique relative reference number and put up on the screen so that those members of the press and public who are present can follow the proceedings. The pages of the documents that are displayed on screen will, subject to any sensitivity, be published on the Inquiry's website the same day, alongside the transcript of the days evidence.

Additional key documents will be published on the Inquiry website as the hearing progresses.

11. Throughout my opening, I will be asking for some sections of the key documents to go up on the screen, which will then be published on the website. But I won't be doing that with every document, and neither will I provide the unique reference number for every document as I go through the opening. However, sections of some of the other documents I am going to be referring to will also be published as soon as possible on the website, and a copy of the opening will be published, which will indicate where the published documents fit into the opening.

Background to Archdiocese

12. It may assist at the outset if I outline the structure of the Roman Catholic Church in general and the Archdiocese in particular (see statement of Rev Thomas CHC000396). The Pope is the head of the Catholic (aka Universal) Church. He is supported by a number of organisations and bodies that make up the Holy See. The Holy See is the central administration of the Catholic Church and includes the Pope and the offices of the Vatican. The Catholic Church is governed by a system of laws known as the Code of Canon Law, the current code is the 1983 Code of Canon Law.

13. The Catholic Church is not strictly speaking 'universal'. Under canon law, there are local manifestations of the Catholic Church in the form of dioceses. A diocese is a district/geographical area under the care of a bishop and there are 22 dioceses in England and Wales. The dioceses are grouped into provinces and a province is presided over by an Archbishop. The Pope appoints Archbishops and bishops. Their role is to teach, to sanctify and to govern. Within each diocese there are a number of parishes and each parish is governed by a parish priest. The bishop/Archbishop appoints the parish priest. If an Archbishop/bishop receives a complaint that an individual within his diocese, (whether a cleric, or lay person) is not abiding by Canon Law then he has the power to direct that individual to comply.

14. It is a common misconception however that the Pope delegates authority to the Cardinals, who delegate to the bishops and from there on to priests. The bishop has authority by virtue of his being a bishop not because the Pope has delegated authority to him. Archbishops and bishops must abide by Canon Law but are otherwise autonomous. They can pass any law they like at local level providing it does not contravene canon law. No bishop in England and Wales has authority over any other (CHC001514_115). Equally, a Cardinal does not have authority over an Archbishop or Bishop and it is a common misunderstanding to think that Cardinal Nichols is the 'Head of the Catholic Church in England and Wales'. He is not. His primary role is that of the Archbishop of Westminster and as Cardinal he is a member of the College of Cardinals with the additional duty to elect a new Pope.

15. All of the bishops in England and Wales are collectively known as the “Catholic Bishops’ Conference for England and Wales”. The Catholic Bishops’ Conference meets twice a year. If the Conference wishes to pass a law applicable in England and Wales then approval must be sought from the Holy See. However, there is no line of authority between the Pope and the Conference. If the Pope wishes to issue a directive he will issue it directly to the individual Archbishop/bishops rather than through the Conference.

16. The Catholic Church in England and Wales is divided into 5 provinces known as Archdioceses. They are the Archdioceses of Birmingham, Cardiff, Liverpool, Southwark and Westminster. The Archdiocese of Birmingham covers a large geographical area. **Show map Map of deaneries - CHC000179.** The Archdiocese covers approximately 225 parishes (CHC001514_114), of which 46 parishes are run by Religious congregations. Each parish is responsible for its own finances. The Archdiocese serves a Catholic population of approximately 450,000 people.

17. In civil law, the Archdiocese of Birmingham is registered as charitable trust (‘The Birmingham Diocesan Trust’) and is run by a Board of Trustees. The Chairman of the Board of Trustees is Archbishop Longley. In March of this year, the Trust appointed its first Chief Operating Officer.

18. The position of Archbishop has been held by the following:

- June 1947 - March 1965. Archbishop Francis Grimshaw.
- October 1965 - September 1981. Archbishop George Dwyer
- March 1982 - June 1999. Archbishop Maurice Couve de Murville (deceased 2007)
- February 2000 - May 2009. Archbishop Vincent Nichols (now the Archbishop of Westminster and Cardinal)
- October 2009 - to present day. Archbishop Bernard Longley

19. As I have just mentioned, a number of the parishes within the Archdiocese are run by Religious Congregations. As you Chair will know from the EBC case study, a Religious Order is a group of consecrated men and/or women with a particular spiritual focus that is reflected in their work. Each Religious Order has its own Superiors who are responsible for the administration of the Order. All members of Religious Order must abide by Canon Law. A Religious Order cannot operate within a particular diocese without the permission of the Archbishop/bishop. As at June 2018, there were 65 Religious Institutes present within the Archdiocese of Birmingham.

20. Canon law (Canon 586) makes it plain that the Archbishop has to uphold the autonomy/independence of the life of the Religious Institute and respect their right to self government in accordance with their respective constitutions and Canon Law.

Nolan and Cumberlege Reports

21. I refer to the Religious for this reason. Chair, as you are aware, in 2000, the then Archbishop of Westminster, Cardinal Murphy-O'Connor, invited Lord Nolan to chair an independent committee to carry out a review of child protection in the Catholic Church in England and Wales. The report, entitled 'A programme for action', more commonly known as the Nolan report, was published in September 2001 (CHC00053). The report included Religious Congregations in the recommendations.

22. Prior to the Nolan Report, the Archdiocese of Birmingham already had in place some structures/a team responsible for child protection and safeguarding. In 1994, Archbishop Couve de Murville appointed Fr Gerry McArdle as the Bishop's Delegate for Child Protection. Prior to this, allegations of abuse would have been dealt with by the Archbishop and the Vicar General.

23. In total, the Nolan report made 83 recommendations covering:

- the structures required at parish, diocesan and national level,
- what steps were needed to create a safe environment for children and those who work with children and
- the action needed to respond to allegations of abuse.

24. Some of the key recommendations included:

- 1) Before taking up a post involving working with children (whether paid or voluntary), the person should complete an application form, provide references and details of any relevant criminal convictions and agree to a criminal records check (Rec 29);
- 2) Each parish should have a Parish Child Protection Representative (PCPR) (Rec 5);
- 3) Each Diocese should have a Child Protection Coordinator (Rec 8) and it was envisaged that in the larger dioceses this would most likely be a full time role;
- 4) A National Child Protection Unit should be established to advise the Catholic Bishops Conference and the Religious on child protection policies and principles (Rec 16) and the National Child Protection Unit should issue codes of conduct and practical guidance on safe working with children (Rec 22);
- 5) Statutory authorities should be brought in straight away where there is a disclosure so that the statutory authority would take the lead on investigating and assessing the situation (Rec 61);
- 6) Contemporaneous records should be kept at the time of an allegation or other event (Rec 45) and be kept for 100 years (Rec 47).

25. Once the Nolan Report had been ratified, at a national level, COPCA (the Catholic Office for the Protection of Children) was established. Archbishop

Nichols agreed to Chair the Board. Eileen Shearer was appointed as its Director. As part of her duties, she oversaw the creation and implementation of the national policies, principles and practice, known as the 'One Church' approach for the protection of children and vulnerable adults.

26. COPCA was set up to advise the Bishops' Conference and Conference of the Religious and provide advice and support to the dioceses and religious congregations (see Limbrick's statement at CSA005625). It was to liaise with statutory agencies at a national level and liaise with professional bodies and leading charities in this field. COPCA was accountable to an independent management board which was Chaired by Archbishop Nichols.

27. One of the key recommendations was to ensure that people working with children were CRB (Criminal Records Bureau) checked. Given the size of the Archdiocese, this process created a vast amount of work for the Archdiocese and required the appointment of an administrative assistant to process these applications (CHC001281_4). In a 2006 self-audit the Archdiocese noted that it was difficult to measure how many volunteers had not been CRB checked because the Archdiocese did not have a record of how many volunteers they had. [CSA005684]. When CSAS conducted an audit in 2010, the audit concluded that although the appropriate CRB checks were being undertaken, improvements were needed in relation to paperwork and documentation (CHC000151). I mention issues about recording and paperwork as these are

matters were specifically commented on in recent 2018 reports when looking at current practice and procedures.

28. The final recommendation of the Report was that the Nolan recommendations should be reviewed after 5 years. That recommendation led to the 'Cumberlege Commission Report' published in 2007 (CHC000002). In the foreword, the Commission Chair said:

"In our report we have congratulated the Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) in formulating policy. Their achievements, in such a relatively short time, have been considerable. However, much of the progress has been made at national and diocesan level; as a result COPCA's reach has not really extended to the parishes where the supporting, training, and advising particularly in the prevention of abuse needs to happen. If awareness and a safe environment is all important - and it is - it is here in the parishes where children and vulnerable people live that we could have expected a greater emphasis and a stronger attempt to win over 'hearts and minds'.

29. Of the 83 Nolan recommendations, the Cumberlege review reported that 79 of the 83 recommendations had been addressed either completely or partially. Of the 4 recommendations still to be addressed, one related to the development of a whistle blowing policy, the other to a cultural issue, namely

that mistakes should be dealt with openly and learned from. In relation to the latter you may wish to consider whether that policy was and still is needed.

30. Some of the key Cumberlege recommendations included:

- The national unit's name should be changed to the Catholic Safeguarding Advisory Service (CSAS) to reflect its primary future role as one of coordination, advice and support in respect of the wider job of safeguarding children and vulnerable adults (Rec 3).
- CSAS should report and be accountable to the Bishops Conference and Conference of Religious through the new National Safeguarding Commission (Rec 6).
- CSAS should focus on matters including providing advice to members of the Church about safeguarding issues, overseeing and coordinating training within the Church, ensuring the safeguarding policies are accessible at all levels with an emphasis on people in parishes and producing an annual report (Rec 16)
- The Bishop's Conference and Conference of Religious should reaffirm their commitment to the paramountcy principle namely, the welfare of the child is the paramount concern (Rec 40);
- The Diocesan Child Protection Commissions should become Safeguarding Commissions responsible for safeguarding children and vulnerable adults (Rec 70).

31. In total, the Cumberlege Report made 72 recommendations. Eileen Shearer left as Director of COPCA and Adrian Child became the Director of CSAS. The current Director is Colette Limbrick. CSAS's primary role remains provision of advice to members of the Church and lay people about safeguarding issues. CSAS develops the safeguarding training that is then utilised by the Archdiocese and ensures that national policies and procedures are up to date. Whilst CSAS may provide advice about a case, the case remains the responsibility of the Diocese (see Limbrick - CSA005625).

32. Following on from the Cumberlege Report, in 2008, the National Catholic Safeguarding Commission (NCSC) was established. Its stated aim is to set the strategic direction of the Church's safeguarding policy and to monitor compliance. The NCSC sets and directs the work for CSAS to implement and put into practice. Policies and procedures that are reviewed by CSAS are ratified by the NCSC before submission to the Bishops' Conference and Conference of Religious.

Safeguarding structure within the Archdiocese

33. From 1997 onwards the Archdiocese had meetings of what was then known as the Child Protection Advisory Group. Over the years the group's name has changed and in some of the case studies you will see reference to the Child Protection and Management Team and a separate committee known as the Response to Allegations Committee which became the Case Review

Committee. In 2005, the group became known as the Child Protection Committee which retained the 'responding to allegations committee', then, following Cumberlege, the Safeguarding team and the Safeguarding Commission.

34. All Safeguarding Commissions are set up to provide advice and support. The Safeguarding Commission receives the national policies and through the Coordinator implements them across the Diocese. The Commission will act upon new reports and allegations of abuse and review existing cases (taken from CSAS website definition contained in Archbishop Longley's statement). The question of who had power to ensure that the Safeguarding Team and/or the Safeguarding Commission implemented and adhered to national policies may well be a matter for consideration during evidence this week

35. A key role within the safeguarding team, is that of the Safeguarding Coordinator. The Coordinator has numerous responsibilities including:

- leading and managing the development of safeguarding practice and implementation of policies and procedures at Archdiocesan level.
- On behalf of the Safeguarding Commission, the Safeguarding Coordinator is responsible for ensuring that the Bishop is kept up to date on safeguarding matters;
- takes the lead in developing preventative practice, as well as responding to allegations of abuse against children and adults;

- they are responsible for liaising with, advising and guiding parish Safeguarding Representatives when concerns or allegations are raised and informing and advising the Bishop on appropriate practice for managing concerns and allegations;
- making or overseeing referrals to the Police and Social Services departments;
- the Safeguarding Coordinator is responsible for overseeing the arrangements for production, monitoring and review of covenants of care (now called safeguarding agreements), which includes ensuring the support needs of the person accused or convicted are addressed.
- The coordinator can be source of support for survivors or victims of abuse and liaises with other agencies, as required, for the purposes of addressing identified needs.

36. The Safeguarding Coordinator is accountable to the Bishop and the appropriate Trustee Body. As the joint NCSC and CSAS procedures manual makes clear, each Trustee body should have in place appropriate line management arrangements for the day to day oversight and support of Safeguarding Coordinators. Again, you may wish to consider what oversight and support was provided to Jane Jones when I turn to the most recent reviews of Archdiocesan safeguarding.

37. During the course of the hearing this week, you are likely to hear evidence, in relation to one aspect of safeguarding, of a divergence of approach between

the Archdiocese's safeguarding team and commission and that of COPCA. One of the roles of COPCA was to provide advice to the Archdiocese in relation to safeguarding.

38. In 2004 and 2005, the Archdiocese requested such advice about a number of different cases. Eileen Shearer was of the view that where advice about a case was sought, the Archdiocese should provide the name of the alleged perpetrator. This enabled COPCA to check if they had any information from elsewhere about the perpetrator. The Archdiocese refused to name the individuals concerned and indeed there is documentation which shows that the Child Protection Commission (as it was then called) was of the view that that it was inappropriate for Jane Jones to provide the name (CHC001482_156 to 157). This matter was unresolved by the time Eileen Shearer left COPCA. Archbishop Nichols was aware that the names were not being provided and you may want to consider that at the time this problem was being ventilated, he was Chair of the COPCA management board as well Archbishop of Birmingham. Doubtless you will want to consider not only the response of both the Archdiocese and the national organisation on this specific topic but consider also the interaction between these two bodies and the impact of this impasse on safeguarding.

39. One other aspect of safeguarding that you may wish to consider is the relationship between the Archdiocese and the Religious. Since 2013, it has been Archdiocesan policy that the Religious Institute is expected to join the

Conference of Religious, and if not already aligned to a safeguarding commission, is to align itself with the Birmingham Safeguarding Commission. The policy is designed to ensure and/or reinforce to the Religious Institute the Archbishop's expectation that national policies are followed. However, as Archbishop Longley makes plain, it is the responsibility of the Religious Superiors to ensure that the institute does in fact join the Conference and does in fact align with a safeguarding commission.

40. As I mentioned earlier, there are 65 Religious Institutes ministering within the Archdiocese. According to CSAS records, 29 of these are aligned with the Birmingham Safeguarding Commission and 1 more is in the final stages of the alignment process. In preparing Archbishop Longley's statement for the Inquiry, the Archdiocese issued questionnaires to the Religious Institutes. He states that some of the Religious Institutes that do not appear on the CSAS list in fact consider themselves aligned to the Birmingham Safeguarding Commission and so it may be that more than the 30 out of 65 known Religious are aligned. However, it may also be noteworthy that 13 Religious Institutes did not reply to the questionnaire.

Four case studies

41. During the course of evidence this week, the Inquiry will be focussing on the cases involving Samuel Penney, James Robinson, Father John Tolkien and

the priest RC-F187. In doing so, the Inquiry will be able to consider, as is clear from the cases of Penney and Robinson, the response of the Catholic Church where those individuals committed numerous historic acts of child sexual abuse and were eventually convicted and received sentences of imprisonment. Following their convictions both those priests were laicised i.e. returned to the lay state, hence why I do not refer to them as Fr Penney and Fr Robinson.

42. In the cases of Father Tolkien and RC-F187, both priests faced allegations of child sexual abuse. There has been no criminal conviction or civil finding against either priest. Their cases inevitably involve a different response by the Archdiocese.

43. The issues that arise in the four case studies, should not however be considered in isolation. The adequacy of the Archdiocesan response can only properly be assessed against the background of what is known about the nature and extent of child sexual abuse by individuals associated with the Archdiocese. In this regard, the Inquiry has prepared a schedule of allegations which seeks to set out the number of allegations, a brief description of the allegation and the outcome, where known. Where a perpetrator abused or allegedly abused a number of children, there is a separate entry per victim or complainant. **Show on screen INQ0027631_3.**

44. It is important to state at the outset, that this schedule depicts only what the documents reviewed say about the scale of offending and allegations. 'The documents provided to the Inquiry came from several different sources, spanned a number of decades and were in some parts difficult to decipher. On that basis the spreadsheet should not be considered as a definitive list of all allegations and actual abuse committed within the Archdiocese. Some of the entries on the schedule may relate to the same allegation where, for example, different institutions have recorded allegations differently. Equally, given the poor quality of some of the records provided, it could not be said with confidence that every allegation ever made has been captured.

45. Moreover, the schedule does **not** represent an alleged institutional failing in the way the Archdiocese of Birmingham responded to each and every individual complaint. As can be seen, in a great number of cases, the alleged perpetrator had died by the time the allegation was reported to either the Archdiocese, the police or other statutory agency and in particular, local authorities.

46. What can be said with certainty is that serious allegations of child sexual abuse were made against the Archdiocese in decade after decade.

47. To summarise the schedule, between the mid 1930s to the present, there were no fewer than 78 individuals associated with the Archdiocese accused of child sexual abuse. Of those the vast majority were priests/deacons. Many of

the allegations were reported in the late 1990s or the first decade of this century where the alleged offending occurred many years, if not decades, earlier. As I said at the outset, at least 13 individuals were convicted.

48. It is against that background, that I turn to outline the facts relating to the 4 case studies. It may well be that the underlying facts of the convictions/allegations is uncontentious. There may also be little dispute that, the response of the Church was not what it ought to have been.

Samuel Penney

49. Born in Ireland in 1939, SP became a priest in March 1967. He was by all accounts a charismatic man. He was praised for his enthusiasm. He was open and approachable. He engaged the children of the parishes in youth clubs and trips (see evidence of A15 and for example CHC001145_34). Between 1967 and 1991 he served in at least 4 parishes (CHC001129_21) and throughout much of that period he sexually abused at least 7 children belonging to two families (see arraignment at CHC000299_87). On 16 March 1993, he pleaded guilty to 10 offences of indecent assault against those children (boys and girls) and was sentenced to 7 ½ years imprisonment (see transcript of proceedings at CHC000299_122). He was laicised i.e. dismissed from the clerical state in November 2006 (CHC000299_12).

50. What was known by the Church about SP's offending and how did the Archdiocese respond once the Church was aware the abuse? In order to answer those questions it is necessary to look, in a little detail at the chronology as revealed by the documents provided to the Inquiry. This includes material provided by the Archdiocese, the police, the charity commission and other witnesses and organisations. Inevitably, the chronology in SP's case is but a summary.

51. In 1980, SP was affiliated to St Joseph's primary school in Stourbridge. His arrival clearly ruffled the feathers of the Headmistress who in March of that year, wrote to a Monsignor in the Archdiocese complaining that SP was interfering in the internal workings of the school. During the course of that letter the Headmistress said this (show CHC001143_16)¹:

"His power over the children now is such that what he says overrides and interferes with the teachers' authority. He enters classrooms and interrupts lessons to discuss football. He is interviewing children privately during class time and has forbidden them to divulge the nature of the matter discussed between them. Concerning this he was very abusive to the class teacher. On more than one occasion he has been openly hostile to me."

52. It is not known what response was received to that letter or if any action was taken. One may think, that back in 1980, such behaviour if true would not

¹ See CHC001628_2 for more on this

cause alarm bells to ring, but I simply raise this as it forms part of the background to later events and one might want to consider, what action would be taken today if a letter like this was received by the Archdiocese.

53. In 1984, a more obvious cause for concern came to the attention of the Archdiocese. The mother of a young boy complained to the Archdiocese that SP might be spending too much time with her son (CHC001123_4). It does not appear that any physical or sexual abuse had occurred but SP was moved to the Friary at Olton, the Superior of the Friary having been told that SP had been accused of making an improper suggestion to her son (CHC001145_23).

54. In 1986/7, it appears that SP was arrested on suspicion of sexually abusing a young boy. SP accused the boy of stealing from the Presbytery and the charges were dropped (CHC000669_5). No police documentation exists about this incident (CHC001507_6). In a press release many years later (1993), the Archdiocese said that neither SP nor the police had made the Church aware of this investigation (CHC001123_4).

55. In May 1990, further allegations came to light. The parents of a boy told a parish priest (Fr Browne) that SP had abused their son. The boy's parents gave permission for Fr Browne to tell Bishop Pargeter. Bishop Pargeter says he told Fr Browne to tell the Vicar General, Mgr Leonard. You may wish to remember Mgr Leonard's name as he plays a significant role in the JR case

study. In a letter written some years later (1994) Bishop Pargeter says he knows that Fr Browne did raise it with Mgr Leonard (CHC001125_93). It is not known what action, if any was taken by Mgr Leonard. By this time, SP was parish priest at St Joseph's in Nechells.

56. On 1st July 1991, the victim Eammon Flanagan (a core participant in this Investigation and who has waived his right to anonymity) told Bishop Pargeter that he had been abuse by SP (**show on screen the typed version at CHC001507_24²**). The note states that Mr Flanagan did not want to go to “the Courts” or for SP to lose his priesthood. By 16 July, the Bishop wrote to Mr Flanagan saying that the matter had been resolved and all the conditions asked for had been met (CHC001240_9).

57. It is not entirely clear what happened to SP in the immediate aftermath of Mr Flanagan’s complaint. There is a suggestion that SP went to a retreat house in Scotland (CHC001125_9). A press release (from 1993) states that SP was warned not to have any future contact with the parish and to cancel his future engagements (CHC001123_3).

58. By September 1991, SP had been sent to Heronbrook House - a therapeutic centre for clergy and religious. He underwent a psychiatric assessment and it appears that Heronbrook House concluded that SP would benefit from a period of residential treatment and SP was under the care of Heronbrook from

² CHC001125_95 is the handwritten version

approx November 1991 - May 1992. This treatment was funded by the Archdiocese. However, Heronbrook was not a secure unit. Indeed the Archdiocese was told that the centre would be closed over Christmas 1991 and so SP was free to leave (CHC001137_15).

59. Whilst at Heronbrook, and in direct contravention of the Archdiocese's wishes, SP returned to Nechells. Whilst a guest in A-357's home, he, on a number of occasions sexually abused RC-A357. A-357 was one of the children that SP subsequently pleaded guilty to abusing and the dates of those offences cover the time when SP was resident at Heronbrook. When A-357's parents met with the Archdiocesan Treasurer (Rev Tom Farrell) they showed Rev Farrell a letter from SP in which SP asked to visit them and told them "to ensure that Tom Farrell did not know about this" (CHC001125_78 and CHC001507_55).

60. In May 1992, SP left Heronbrook and was admitted to the Gracewell Institute for the treatment of child abuse (CHC001125_3). In June 1992 he was, to use the formal language 'dispensed from the obligations of the priesthood' ie stopped from working as a priest (CHC001129_1). SP remained at Gracewell until his Court appearance the following year.

61. Following his release from prison in January 1997, the Archdiocese continued to support SP, both financially and with his pastoral care (see for example CHC001138_21). Financial support for SP stopped in 2015 (CHC001135_4).

62. SP continued to be a cause for concern. In 2007, whilst living in a Franciscan community in Dorset, he became attached to a young woman (not child) and there were concerns that SP was paying her too much attention including offering her gifts, taking her on outings in his car. No physical or sexual contact was alleged and the matter was reported to the local safeguarding officer. The police were also informed but no action resulted. SP had to leave the community and Jane Jones tried to assist him in finding new accommodation (CHC001136_44).

63. Chair, you will hear about Samuel Penney when A56 gives evidence later this afternoon. He was abused by Penney in the 1980s. He found the courage to tell his mother who went to speak to Penney. Penney moved parishes shortly thereafter. A56 in fact went on in later life to become a priest and so it will be interesting to hear some of his observations on the matters being considered this week.

James Robinson

64. On 22 October 2010, JR was found guilty of 21 child sexual abuse offences. The offences included acts of buggery and attempted buggery, indecent assaults and indecency with a child. The offences charged on the indictment related to 4 male complainants and during the trial the Court also heard evidence from 2 other victims, who for legal reasons, could not be added as formal charges to the indictment.

65. JR was sentenced that same day to 21 years imprisonment and as at today's date, he remains in prison serving that sentence (OHY005370). The verdicts brought to an end significant efforts by the complainants, and in particular RC-A31, to bring JR to justice. I say that because it is likely to be uncontroversial that back in 1985 some members of the Church, who were aware of allegations against JR, not only failed to investigate those allegations but assisted in JR leaving the UK to work as a priest in California.

66. By way of background, JR was born in Ireland in the late 1930s. He was a professional boxer (INQ002640_1 and rode a motorbike. Children were drawn to him. He studied for the priesthood at Oscott College but had at one stage applied to study at the seminary in Miami. JR was not considered to be a student of high intellect and his motives for studying abroad were considered to be more cultural than spiritual and so he was not allowed to study in the USA (CHC000246_39).

67. Ordained in 1971, he was initially an assistant priest in a number of parishes and became the priest in his own parish in 1983.

68. Concerns about JR surfaced as early as 1972. According to one of JR's victims (RC-A347), in 1972 A-347 told a friend that JR had abused him. The friend was RC- A337. A-337 had himself been abused by Father Eric Taylor whilst in care at Fr. Hudson's home and so A-337 took it upon himself to tell

the Church authorities. According to a statement prepared in civil proceedings, A-337 informed Canon McCartie (the administrator of St Chad's Cathedral in Birmingham) that JR had been abusing A-347. A337 also told Sr Bernadette who was a house mother attached to Fr Hudson's Home and David Mason the Superintendent at a local boys hostel and Canon Coyne who was an administrator at Fr Hudson's Home (CHC000611_92). It is unclear what action, if any, was taken by those who had been told about JR.

69. A31, in his civil claim for compensation (CHC000646_80) stated that between 1972 and 1974 he complained about the abuse to a number of parish priests.

70. In 1980, A-337's aunt became suspicious of JR. In her statement to the police as part of the criminal case against JT (CHC000611_10 to 11), she recalled an occasion when JR had taken A-337 to watch a Coventry City football game. When A-337 returned he said he didn't want to see JR again and he wanted his aunt to tell JR this. A-337's aunt duly complied with this request and spoke with JR and told him not to contact A-337 or to ring their house. A-337's aunt recalls the house phone often ringing and that if she or her husband answered, the phone would be put down. On one occasion, A-337 told her that JR had rung and that they had arranged to meet in a pub car park. A-337 did not in fact go to that meeting. A short while later, this letter arrived. **Show on screen CHC000611_87.** A-337 was under 13 when he received this letter.

71. A-337's aunt took some advice and then went to speak to her local priest, Fr Hanlon (as then was). On showing him the letter, which he referred to as "a funny little letter" he asked her not to take the matter further and said that he would deal with it. A-337's aunt recalls that shortly after this, JR left her parish and records confirm to this extent, that in 1982 JR moved parishes (CHC000611_76). As part of the criminal case, Canon Hanlon made a statement. He stated that although he didn't remember being shown the letter by A-337's Aunt, if A-337's aunt says she showed it to him, he would not dispute this (IPC000971). Fr Hanlon did not report the matter to the police.

72. In late Autumn of 1984, JR became unwell and was away from his parish for many months. Some documentation exists to show that conditions in his parish were not conducive to a good recovery and that doctors recommended a less stressful appointment and a better environment. Tentative plans were being made for him to move to the USA.

73. On 5 May 1985, RC-A31 attended Digbeth PS. You will be hearing from A-31 in evidence tomorrow. A-31 told the police he had been abused by JR and arrangements were made for police to take a fuller statement from A-31. A-31 left the PS and went to visit Fr Grady at Fr Grady's Church in Small Heath, Birmingham. A-31 told Fr Grady about the abuse and Fr Grady said to leave the matter with him. In statements made in civil and criminal proceedings, Fr Grady said he met Mgr Leonard and that when told of A-31's account, Mgr Leonard was "upset and angry" and that Mgr Leonard felt that if the

accusation were true, it would be a big scandal for the Diocese and priesthood. Fr Grady concluded that statement by saying **(show CHC000611_31 para 37 on screen)**:

“After I had learned that Jimmy Robinson had gone to the United States my own thoughts were that it had been arranged for him to leave or that he was given no other option other than to leave the country quickly to avoid a scandal and to avoid being interviewed by the police. I felt I had let A31 down.”

74. Two days later, A-31 confronted JR and tape recorded the conversation. In short, JR did not deny a relationship between them. One copy of the tape was given to the police in 1985 but that copy was subsequently lost. Another copy was kept by a friend of A-31's and the Inquiry has been provided with a transcript of their conversation - it formed part of the evidence against JR at his trial- and we will look at some passages when A-31 gives evidence.

75. The next day A-31 telephoned JR to tell JR that he had been to the police. A-31 then told his parents. A short time later, Fr Grady told A-31 and his parents that the matter had been referred to the Vicar General, Mgr Leonard, and that JR was being removed from his parish (see A-31's statement dated 14 May 1985 which is included in his IICSA statement INQ002477). When A-31 made his statement to the police, he told police he did not want to attend

Court or give evidence. A-31 says he never heard anything further from the police (IPC00829_12).

76. It appears that A-31's father was in contact with Mgr Leonard. Mgr Leonard's letter to A31's Dad is noteworthy for its tone if not its content (**show on screen INQ002478_13**).

77. JR's precise movements between May and September 1985 are not known. A letter written by JR in 1995 later referred to the fact that he arrived in the USA in May 1985 (CHC001044_53) and so it may be that JR left the UK very soon after A-31 told the police and Church what had happened and certainly in advance of Archbishop Couve de Murville's approval of JR's request to work as a Priest in the USA which was not given until September 1985 (CHC000246_43). It may be interesting to note, that in that same 1995 letter, addressed to Mgr Leonard, he made reference to Mgr Leonard telling him that Mgr Leonard has "high contacts in the Force".

78. As part of JR's move to America - California- on October 1985, Mgr Leonard wrote to his counterpart in the USA. The letter is akin to a reference. **Show on screen CHC000246_44**. The final paragraph suggests Mgr Leonard knew full well that allegations had been made against JR.

79. On 15 October 1985, the Archdiocese of Los Angeles, wrote to JR informing him that they wanted JR to return to Birmingham, or at the very least, leave

their Archdiocese. (CHC000246_291). In December that year, Archbishop Couve de Murville personally wrote to the Archbishop of Los Angeles, stating “how beneficial it would be for him if you could see your way to continuing the arrangement for a further period.” (CHC000246_289). In January 1986, JR wrote to the Monsignor Curry in LA and said **show CHC000246_287**. JR also wrote to Mgr Leonard show CHC001044_25. A short while later, Mgr Leonard wrote to Mgr Curry **show CHC000246_285**. JR remained in the States until his extradition in August 2009 (OHY005931).

80. What of the intervening years? In August 1993, Archbishop Couve de Murville wrote to the Cardinal in LA to inform him that “entirely reliable information” had come to light to suggest that in the 1970s JR had a paedophilic relationship with a boy which lasted for 5-6 years. This was a reference to A-31’s allegations (CHC000684_12). Archbishop Couve de Murville asked that JR be stopped from carrying out his priestly duties (CHC000246_249³). It can be inferred from a letter that JR wrote in September 1994 to the Apostolic Nuncio in Rome that some action was taken by the Californian Archdiocese as JR wrote letters protesting his innocence and requesting financial assistance and a return to his role as a priest.

81. It appears that the Archdiocese did provide JR with financial help. Between April 1994 and December 2001 (when payments ceased), the Archdiocese

gave JR approximately £81,600 (which equates to just under £800 per month) (IPC000812).

82. To continue with the chronology, in 1995, A-31 tried to get the police to reopen the investigation into JR. The police refused (INQ002478_15).

83. Material provided to the Inquiry reveals that JR returned to the UK on 2 occasions in 1997 - both times to visit his mother. On both occasions he tried, unsuccessfully, to make contact with Archbishop Couve de Murville (CHC001044_18 and_71 and OHY005375_19). It is not known what steps, if any, the Archbishop took to report JR's return to the police. JR also visited his friend Fr Joyce. Fr Joyce informed Mgr Leonard that JR had been back - **show on screen CHC001044_19.**

84. On 18 September 1999, another of JR's victims reported the abuse to the Church. In September 1999, RC-A324 spoke with Fr Gerry McArdle (who was then in charge of matters relating to Child Protection). In fact, Fr. McArdle was aware that JR had been back again in the UK (CHC000246_264). In a statement made in civil proceedings, Fr McArdle stated that he made several calls to the the police asking for JR to be arrested but that JR left the country before this happened. Fr McArdle did not say how he came to know that JR was in the UK.

85. In December 2000, Archbishop Nichols met with A-324. It appears that a police investigation commenced at the end of 2002 (CHC000684_12 and OHY005375_6). That police investigation revealed that WMP had no documentation relating to A-31's 1985 complaint (INQ002778_22). The copy of A-31's 1985 police statement was in fact given to WMP by the Archdiocese. This led the investigating police officer to tell A31 that she thought that one of the 1985 investigating officers (DI Higgins) had passed the statement to the Church "for their information and usage in expelling Robinson from the Church" (INQ002478_19).

86. In December 2002, Archbishop Nichols wrote to Cardinal Mahony in California, asking for any information they may have regarding JR's whereabouts (CHC000246_247). The Archbishop then wrote to JR asking for JR to return (**show CHC001044_90 and 91**). JR emailed back denying the allegations and stating that he was unable to travel.

87. In October 2003, the BBC broadcast an episode of the documentary 'Kenyon Confronts' which was entitled 'Secrets and Confessions' about the extent of child sexual abuse within the Catholic Church. It focussed on the Archdiocese of Birmingham. The programme makers had traced JR to a caravan park home in the USA. A victim, accompanied by Paul Kenyon, confronted Robinson about his abuse and parts of the confrontation were included in the documentary.

88. Following the show being aired, Archbishop Nichols issued a press release in which he said that he considered the timing of the broadcast, which was on the eve of the silver Jubilee of Pope John Paul II, to *“confirm the suspicions of many, that within the BBC there is hostility towards the Catholic Church in this country.”*
89. Changes to extradition law in 2007, meant that JR could be extradited. He arrived back in the UK in August 2009 (OHY005931). He stood trial in October 2010.
90. In 2015, Archbishop Longley asked JR to reconsider if would agree to being laicised. JR agreed to this and in June 2015, this was communicated to Rome CHC001033_1. JR was not in fact laicised until February 2018 (CHC000599_2).
91. In 2016, the Independent Office for Police Conduct (IOPC) commenced an investigation looking at the response of WMP in the case of JR from 1985 - 2010. The terms of reference were approved on 12.10.16 (INQ002778_43) report was finished on 30 October 2018. Having conducted their investigation, including interviewing DI Higgins who declined to answer questions, the report concluded that it could not now be ascertained how A31’s statement came to be in the possession of the Archdiocese or the circumstances in which that occurred (page 30 of IOPC report). The position is therefore this: it is not in dispute that someone provided the Church with A31’s statement but ‘how’ and

perhaps more importantly 'why' - whether it was to assist the Church in 'a cover up' or whether it was part of routine information sharing in allegations of this nature, can never be known.

Father Tolkien

92. In contrast to the cases of Penney and Robinson, the next two cases involve individuals against whom allegations were made but where there was no finding of fact before either the criminal or civil courts.

93. Fr John Tolkien was born in 1917. He was the son of the author JRR Tolkien. Ordained in 1946, Fr Tolkien served in a number of parishes between 1946 and his retirement in April 1994. Fr Tolkien died in January 2003. CHC000255_9. It should be made clear at the outset that Fr Tolkien repeatedly and consistently denied the allegations made against him.

94. In September 1993, the complainant Christopher Rooney (who subsequently changed his name to Carrie) reported the abuse to the Church. Handwritten notes of the meeting (**show CHC000253_13**) show that Rooney stated that in 1957, Fr Tolkien had taken him into the presbytery and committed sexual acts on him, including masturbation carried out in a "pseudo religious way". On the next page of the notes, it records (p14) "I think Fr Tolkien left Sparkhill under a cloud". Records show that Fr Tolkien left Sparkhill in 1957 (CHC000255_9). These documents emanate from Fr Tolkien's personal file kept by the

Archdiocese. The next note (**show on screen CHC000253_15**), dated 6 september 1993, is what appears to be a note of a conversation with Fr Bouchier which might be seen as confirming that Fr Tolkien did leave under a cloud. Many years later, in 2002, Fr Bouchier contacted Archbishop Nichols and told him that in 1950-57 he was in the Sparkhill parish and that there no signs or even rumours about Fr Tolkien's behaviour either in the parish or in the scouts (see CHC000251_40).

95. In October 1993, Archbishop Couve de Murville wrote to Mr Rooney (**show on screen CHC000253_21**). In short, Fr Tolkien was soon to retire and was to cease active ministry. Over the coming years, Mr Rooney maintained that Fr Tolkien did not stop working straight away and continued offering the youth of his parish at St Peters in Eynsham to attend private lessons in liturgy (CHC000253_41). Correspondence with those working at St Peters suggests that although Fr Tolkien continued to visit the Church, he did not undertake any work after his retirement in 1994. (CHC000253_40).

96. In the summer of 1994, Mr Rooney reported the abuse to the police (CHC000253_69) but it appears that no action was taken.

97. In November 2000, Mr Carrie as he was then known wrote to Archbishop Nichols (CHC000253_69) informing him of the alleged abuse and asking the Archbishop to investigate. Earlier that year, Mr Carrie wrote a book called "Klone it" (an anagram of Tolkien) in which he repeated his allegations.

98. By May 2001, police commenced an investigation (CHC001514_306) into Fr Tolkien and the CPS were asked to advise on whether Fr Tolkien should be charged. It is understood the investigation centred on Mr Carrie's complaints. The inquiry asked both the West Midlands police and CPS for any documentation regarding this investigation but neither organization's records are now available. On 14 February 2002, the CPS issued the following press release (**show on screen CHC000251_81**). Press reporting of this decision included reference to a CPS spokesperson confirming that the evidential test was passed but that medical evidence relating to Fr Tolkien's health, it was not in the public interest to proceed (CHC000255_52). Mr Carrie commenced a civil compensation claim against the Archdiocese.

99. In June 2002, another complainant came forward. RC-A348 wrote to Archbishop Nichols (CHC000251_51). He said he had read an article about Mr Carrie which stated that Fr Tolkien denied the allegations and he said this *"well I know for sure Mr Carrie is telling the truth because I too was abused myself"*. He went on to say *"I know Fr Tolkien is 84 years old and suffering from dementia but it is wrong for him to keep denying he never did these things - he did"*. The Archbishop advised A348 to report the matter to the police (CHC000251_50).

100. As part of the compensation claim, the Archdiocese and their solicitors, carried out inquiries into Fr Tolkien. The solicitors spoke with 2 other men,

one of whom was himself a priest, who alleged that Fr Tolkien had also abused them. This led the solicitors to advise that they thought it likely that a Court would conclude that Fr Tolkien had abused Mr Carrie (see CHC000251_32).

101. As part of the solicitors advice reference was made to Archbishop Couve de Murville's meeting with Mr Carrie in 1993. **Show on screen CHC000251_33.** As part of Archbishop Couve de Murville's own inquiries, he appears to have read a 1968 file note which alleged that Fr Tolkien had made some boy scouts strip naked. The actual note is not available but the Archbishop's note of the 1968 note, on the face of it, suggested that Fr Tolkien admitted these allegations (see CHC000253_11) and was possibly sent for treatment. Aside from the possible treatment, it seems no action was taken in 1968 and no action was taken in 1993. Neither matter was reported to the authorities. You will hear more about the 1968 note when Cardinal Nichols gives evidence but you may wish to consider both the legal and moral aspects of the Church's response when dealing with claims of this kind.

102. By July 2003, the Archdiocese and Mr Carrie reached an out of Court settlement in respect of the civil case. Mr Carrie received £15,000 and the settlement was made "without admission of liability".

103. Another complainant has made a statement to the Inquiry in which he states that he was abused by Fr Tolkien (A343). A343 will give live evidence

to you. He reported his abuse to the police as part of the investigation in 2002 and when informed that Fr Tolkien was not being charged, the police gave A343 Jane Jones' details. A343 brought a civil claim against the Archdiocese which eventually settled. He said in his statement though that he was angry "that the Church defended my civil claim so vigorously." (INQ002443-9).

104. One matter you wish to consider this week is the response of the Church where there has been no criminal or civil finding of fact but an investigation carried about by the Church's lawyers might suggest the allegation is more credible than not. What then should the Church's response be, particularly where there is a claim for compensation?

RC-F167

105. In the school summer term in 1985, RC-F167 was teaching at a school within the Archdiocese when 2 pupils made allegations that he had sexually assaulted them by touching their backsides and genital areas over clothing (WMP000070_5). The headmaster reported the allegations the school Governor, Fr Curtin. It appears Fr Curtin spoke with F167 but it is not clear what, if any, other investigations were carried out. The matter was not reported to the police. In June 1985, F167 resigned from his teaching post and commenced his training to become a priest. Notes appearing in F187's file suggest that F187 had in fact been asked to resign and that when asked,

in 1986, about the allegations, F187 “agreed that he had been accused of touching bottoms of boys when they were talking to him at his desk. He agreed that he couldn’t honestly deny doing this but it had been an involuntary action with no malicious intent” (CHC000267_3).

106. By March 1986, F167 had commenced his training for the priesthood (CHC001079_19) and he was ordained in 1990. Following his selection interview, F167 apologised for the fact that he did not mention his resignation from the school because the question did not arise and he had been advised by a priest not to mention it. He said he also wanted to create a positive image.

107. The 1985 allegations came to the attention of the police in 1997. The 2 boys, now men, made statements to the police. F167 was interviewed and denied any deliberate and/or sexually motivated touching (WMP000070_7). While the police investigation was ongoing, the Archdiocese also spoke with one of the boys (A355) and his mother in June 1997. In August 1997, the archdiocese put F167 on administrative leave and prohibited F167 from carrying out any public duties as priest (CHC001075_5). In February 1998, the Crown Court ruled that F167 could not receive a fair trial and the case was stayed (CHC000269_19).

108. Following the stay of the criminal proceedings, in April 1998, F167 was appointed a parish priest to a parish described as having “a large and

flourishing parish with a big primary school” (CHC001073_1). In May 1998, the Child Protection Advisory Group recommended that F167 undergo a full psychological/psychosexual assessment before being assigned further duties (CHC000269_26). This decision was expressly made on the understanding that it did not imply guilt but that it was in the best interests of child protection and F167 himself.

109. By 11 December 1998, the assessment had been completed. The report concluded that the truth or otherwise of the allegations could not now be determined, but nonetheless recommended that F167 did not return to a position where he had unsupervised access to children (CHC001082_11). Just 3 days later, as the Archbishop was due to have a meeting with the Vicar General and the child protection team (on 14 December 1998), the Vicar General received a complaint from a school headteacher that F167 had asked inappropriate questions to 2 boys during confession. The Archdiocese spoke with the headteacher of the school and the matter was referred to the police and Social Services that same day (CHC001076_11). F167 was again put on administrative leave. He was offered counselling but declined it. When asked about the new allegations, F167 categorically denied using sexual terminology or making any sexual references with any child during confession (CHC000268_4).

110. From 1998 (to until at least 2011), F167 received financial support from the Archdiocese (CHC001082_1).

111. By February 1999, both the police and social services had decided to take no further action in respect of the alleged inappropriate questions during confession (CHC000269_10) and the Church commenced their own review of safeguarding in respect of F167.
112. By November 1999, F167 decided not to return to active ministry (CHC001082_14). For reasons that are not entirely clear at this stage, there is a letter on F167's file accepting his resignation from his parish (CHC001071_4) dated January 2001.
113. The precise date is not known but thereafter, F167 had commenced employment as a teacher. To undertake that role, F167 had to undergo a criminal records bureau check. F167 said he underwent this check and passed. It seems that his criminal court case from 1998 did not appear on the CRB records. Enquiries with the Disclosure and Barring Service (DBS) show that an enhanced disclosure check for F-167 was submitted in July 2002 and the certificate issued the following month. An enhanced check is required where the person wishes to work with vulnerable groups. It will include details of spent and unspent convictions, cautions, warnings and reprimands held on the police national computer and any additional information the chief police officer reasonably believes to be relevant and ought to be disclosed. DBS have confirmed that in F-167's case, the certificate that was issued did not contain any information.

114. F167 said he advised the Archdiocese of his appointment. Certainly, by December 2003, it appears that the Archdiocese knew that F167 was teaching and the Archbishop was advised to pass this information to the Child Protection Team (CHC001084_4). On 29 January 2004, Jane Jones wrote to the police informing them that F167 was working in a school and informing the police that he had been the subject of child sexual allegations (CHC000271_44).

115. In early 2004, F167 resigned from his job as a teacher. Jane Jones conducted a review and attended a multi-disciplinary meeting with the statutory agencies (**Show on screen CHC001070_7**). The Archdiocese considered his case at numerous meetings in 2004 and 2005. Notes of the Child Protection Coordinator's report state that Ms Jones was asked to seek advice from COPCA without disclosing F167's name (CHC000685_71). COPCA replied reminding Jane Jones that it was not COPCA's policy to deal with referrals without a name (CHC000271_54). His case was discussed, anonymously, at a COPCA Child Protection Coordinators Meeting in September 2004. (**Show on screen CHC001082_7**)

116. The Archdiocese reviewed the case in December 2005 (CHC001082_5) where it concluded that F167's case should be referred to the Protection of Children Act List, that F167 should have the status of a retired priest, that

F167 should inform the person responsible for his supervision before he undertakes any form of work and that the case finally be closed.

117. In considering events in the case of F-167, you may wish to consider how the Church can best deal with an individual about whom there are concerns but who has never been proven to have committed any child sexual offence. F-167's case also highlights a potential gap in the DBS disclosure checking regime which may be of concern to you.

Current safeguarding arrangements

118. In 2018, the Archdiocese commissioned 3 separate reviews of safeguarding within the Archdiocese. Inevitably what I say about them can only be by way of summary and so all 3 reports will be published on the Inquiry website):

- A past case review conducted by Mrs Jan Pickles OBE (CHC001643);
- A current review of safeguarding practice conducted by the Social Care Institute for Excellence (known as SCIE) (CHC001649); and
- A review of safeguarding in the Parishes, again conducted by Mrs Pickles (CHC001644).

Past cases review by Mrs Pickles

119. The stated aim of the past cases review was to examine historical documentation to help the Archdiocese learn lessons from the past to help safeguarding and to help support victims and survivors today and in the future. The review considered the files relating to 15 perpetrators (some convicted, some not) and 45 victims.

120. Common to a number of cases was the grooming of the victims. The report found that the Priest's position, power and influence within the Catholic community, combined with the level of trust and deference by victim's families combined to make it easy for the priest to groom the victims. The priests often had access to resources, for example, they were able to take the victims on day trips, on camping trips, which not only presented the perpetrator with the opportunity to abuse but made it unlikely that any family, particularly those with a vulnerable background, would refuse to let their child go on the excursion. These factors often fed into the victim's understandable reluctance to report matters. Many victims simply did not think they would be believed if they complained about a member of the clergy.

121. The report considered that the failures to report an allegation to the police and/or the fact that the matter was dealt with internally by transfer out of the parish, has led to what the report termed "the perception of a culture of secrecy". The report also considered the role that the provision of legal advice to the Archdiocese played. The overall impression created was that the legal advice focussed on protection of the Church rather than creating a culture of

openness, limiting the amount of material to be disclosed in order to limit the financial and reputational damage to the Archdiocese. This may be something you will wish to consider when examining the evidence in the case study of Fr Tolkien.

122. The report came to a number of conclusions:

- The attitude of the Church towards perpetrators was “secretive, insular and distrustful of the State, with a preference to manage such matters internally”.
- There needed to be oversight and supervision of the Archdiocesan staff to ensure that there was compliance with safeguarding procedures
- The report wanted to know more about how risk assessments were commissioned (there was no set risk assessment pro forma and the assessments seemed to vary depending on the assessor and the assessor's background) and the status of the assessment once it had been prepared as it appeared that sometimes the assessment was accepted in full, sometimes in part and sometimes completely disregarded.
- Case management systems needed to be reviewed as a paper based, handwritten system made it difficult to follow what had happened and difficult to share with others. The language used was often archaic and difficult to understand. Words such as ‘malfeasance’ or ‘misbehaviour’

were euphemistically used when what was actually being spoken of was abuse and a crime.

Parish review by Mrs Pickles

123. Ms Pickles was also instructed to prepare a report that reviewed 'attitudes to and the ability of lay and clerical members of local parishes to contribute to the safeguarding agenda'. Ms Pickles visited 6 parishes chosen at random. In general, she found that everyone she spoke to acknowledged the need for safeguarding and was "completely committed to the principle and importance of safeguarding". Priests were generally aware of the potential risks of their being left alone with a child and "varying levels" of awareness of the likelihood that children might be at risk within the Church. All people (clergy and lay) stated that if they had concerns about a child they would contact the Safeguarding Unit which was generally regarded positively. Most people were not able to describe the Archdiocese's policies and procedures in detail and felt that the Archdiocesan website was not easy to navigate and did not help them when they needed information or advice. They had limited knowledge of CSAS.

124. Ms Pickles said that, based on her limited contact with the Parishes, she did not think that people would be able to identify and spot behaviours that might indicate concerns such as grooming, risky sexual behaviour, sexual exploitation. She formed the view that Priest and lay volunteers knew how to

respond appropriately to an allegation but were not able to identify indicators that suggested the possibility of the child being at risk.

125. In terms of areas that were working well, the review found that all staff within the parish valued and appreciated the work of the Safeguarding Unit and in particular personally recognised the work done by Jane Jones. However, some people told Mrs Pickles that the Safeguarding Unit was not always able to respond promptly to queries or concerns and that the unit was not able to meet the levels of demand placed on it. In particular Ms Pickles thought that the Unit was dependent on one individual and the demands on Jane Jones were such that there was not time to update policies for example. Ms Pickles thought that a review of the Unit, its structure, resourcing and management of the demands on it was “urgent”.

SCIE report

126. The Social Care Institute for Excellence (SCIE) Report (also referred to as an audit of the safeguarding unit) was completed earlier this month. Its stated aim was to identify how well safeguarding was working and to consider any strengths and weaknesses within the safeguarding team and structure. SCIE spoke with the key people involved in safeguarding, reviewed policies and procedures, engaged with parish safeguarding representative and survivors of clerical abuse.

127. The report acknowledges that, given the sheer geographical size of the Archdiocese, it is a 'challenge to embed safeguarding in each and every parish where the safeguarding structure is centrally anchored in the Archdiocese'. In general terms, the report concluded that change was needed to professionalise the approach to safeguarding as there was a gap between the "vision and aspiration for safeguarding held by the Archbishop and key clergymen" and having a safe and reliable safeguarding system.

128. The report presented its findings by way of themes and considered the Archdiocese's response in a number of areas including:

- Adherence to guidance, policies and procedures;
- Casework
- Training
- The support and monitoring of safeguarding in the parishes
- The safeguarding team, commission
- Complaints and whistleblowing
- Leadership and Management

129. A number of strengths were noted. There was:

- a) Prompt and effective liaison with the statutory services including good information sharing;

- b) The training provided by the safeguarding coordinator was well regarded with a high number of training sessions per year;
- c) The parish safeguarding representatives considered that the safeguarding team provided them with good support and was always accessible and willing to help; The audit noted in particular that team worked in excess of their working hours and that their level of commitment was notable;
- d) The Safeguarding Commission plays an active role in providing advice and guidance.

130. There were also a number of areas of concern:

- a) SCIE reviewed a number of local guidance documents, policies and procedures which SCIE considered did not bear relation to the national CSAS policies and procedures. Some of the Archdiocesan policies were outdated and of poor quality in comparison with the policies provided by CSAS.
- b) Real concerns were expressed about the recording systems used to manage and document case work. SCIE found it was difficult to track what had gone on on cases over time, that there was a lack of a system for recording enquiries and for discerning if follow up actions had been made and not recorded or not made at all.

- c) The report considered that the safeguarding team as a whole had not been properly supervised and that the Safeguarding Commission, whilst good at providing advice and guidance did not provide any strategic direction or independent oversight or scrutiny.
- d) The auditors noted that when speaking to people across the Archdiocese there was “tangible and explicit fear” that they remain anonymous when speaking about the Church, As the report states:

“This does not indicate a culture whereby feedback, complaints or whistleblowing is assumed to be something constructive and actively welcomed by the Archdiocese. On the contrary, it suggests a culture where it is not deemed safe to criticise or even discuss safeguarding practices in the Church.”

131. In general terms, Archbishop Longley has accepted the concerns raised in the SCIE report. The Inquiry has been provided with recent minutes of meetings where the report has been discussed and action taken to remedy the weaknesses. In particular, the Archdiocese has created a new role, that of Interim Director of Safeguarding Improvement and has appointed Mr Andrew Haley to that position.

132. You should know Chair, that Mrs Jones has expressed a number of reservations about the way the SCIE audit was carried out and has rejected what she perceives to be a number of personal criticisms directed at her and her tenure as safeguarding coordinator. Mrs Jones has written to the Archbishop and tendered her resignation effective from the end of this month.

Concluding remarks

133. Chair, whilst the focus of this hearing is primarily on the Archdiocesan response in past cases, one must never forget the very real human impact that sexual abuse has on children. You will hear not only from victims and complainants of Penney, Robinson and Fr Tolkien but also have read to you evidence from other victims of sexual abuse. It is not possible to call or read evidence from every complainant and victim who has provided the Inquiry with a statement and so the Inquiry will publish all those other statements so that you can take into account their testimony when publishing the report in this case study.

134. The victims and complainants speak of a myriad of ways in which the abuse has affected them: being robbed of their childhoods (F48), ongoing and enduring problems with their mental health including self harm and attempts on their own life (F48, D2), nightmares and PTSD (F53) problems in their relationships both personally and sometimes sexually. Anger at their abuser

and in some cases the Church (A15) and a real and palpable sense of betrayal. A33 (now in his late 60s and who was abused by JR in his early teens) said in his statement (INQ002640_ 16):

“I have had a lifetime of shame, guilt and fear. I put it all away in the back of my mind and got on with life. But although these feelings are locked away, they are not gone.”

135. It is important, in my submission, to not lose sight of why the Inquiry was established - to ensure that children get the care and protection they need and deserve, now and in the future. To that end, it is hoped that by calling Archbishop Longley to give evidence at the end of the week, the Inquiry will be better informed as to the historic institutional response and be better able to consider the adequacy of the safeguarding response in 2018.

136. Chair, you may now want to invite core participants to make their opening statements.

JACQUELINE CAREY

9 November 2018

CHRIS SAAD.